

1 ***-1220/2.11* SECTION 2472.** 234.935 of the statutes is repealed.

2 ***-0677/4.65* SECTION 2473.** 236.16 (3) (d) (intro.) of the statutes is amended
3 to read:

4 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
5 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
6 petition the city, village, town or county that owns the public access to construct
7 shoreline erosion control measures. Subject to par. (e), the city, village, town or
8 county shall construct the requested shoreline erosion control measures or request
9 the department of natural resources to determine the need for shoreline erosion
10 control measures. Upon receipt of a request under this paragraph from a city, village,
11 town or county, the department of natural resources shall follow the procedures in
12 s. 30.02 (3) and (4) sub. (3m). Subject to par. (e), the city, village, town or county shall
13 construct shoreline erosion control measures as required by the department of
14 natural resources if the department of natural resources determines all of the
15 following:

16 ***-0677/4.66* SECTION 2474.** 236.16 (3m) of the statutes is created to read:

17 236.16 (3m) NOTICE AND HEARING REQUIREMENTS. (a) Upon receipt of a request
18 for a determination under sub. (3) (d), the department of natural resources shall
19 either order a public hearing or provide notice stating that it will proceed on the
20 request without a hearing if, within 30 days after the publication of the notice, no
21 request for a hearing concerning the determination under sub. (3) (d) is received. The
22 department of natural resources shall provide the notice to the clerk of each
23 municipality in which the proposed shoreline erosion control measures are located
24 and to any other person required by law to receive notice. The department of natural
25 resources may provide notice to other persons as it considers appropriate. The

1 department of natural resources shall provide a copy of the notice to the city, village,
2 town or county that requested the determination. The city, village, town or county
3 shall publish it as a class 1 notice under ch. 985 in a newspaper designated by the
4 department that is likely to give notice in the area affected. The city, village, town
5 or county shall file proof of publication with the department of natural resources.

6 (b) If the department of natural resources orders a public hearing, the division
7 of hearings and appeals shall mail a written notice at least 10 days before the hearing
8 to each person given a copy of the notice under par. (a) and to each person requesting
9 the hearing.

10 (c) The city, village, town or county requesting the determination shall publish
11 a class 1 notice under ch. 985 of the public hearing in a newspaper designated by the
12 department of natural resources that is likely to give notice in the area affected. The
13 city, village, town or county shall file proof of publication under this paragraph with
14 the hearing examiner at or prior to the hearing.

15 ***-0183/1.21* SECTION 2475.** 252.07 (1) of the statutes is renumbered 252.07
16 (1m) and amended to read:

17 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
18 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
19 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
20 receives a specimen for tuberculosis testing shall report all positive results obtained
21 by any appropriate procedure, including a procedure performed by an out-of-state
22 laboratory, to the local health officer and to the department.

23 ***-0183/1.22* SECTION 2476.** 252.07 (1g) of the statutes is created to read:

24 252.07 (1g) In this section:

1 (a) "Infectious tuberculosis" means tuberculosis disease of the respiratory
2 tract, capable of producing infection or disease in others as demonstrated by the
3 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
4 radiograph and clinical findings.

5 (b) "Isolate" means a population of mycobacterium tuberculosis bacteria that
6 has been obtained in pure culture medium.

7 (c) "Isolation" means the separation from other persons of a person with
8 infectious tuberculosis in a place and under conditions that prevent the transmission
9 of the infection.

10 (d) "Suspect tuberculosis" means an illness marked by symptoms and
11 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
12 prolonged fever, hemoptysis, compatible roentgenographic findings or other
13 appropriate medical imaging findings.

14 ***-0183/1.23* SECTION 2477.** 252.07 (1p) of the statutes is created to read:

15 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
16 shall also perform organism identification for mycobacterium tuberculosis complex
17 using an approved rapid testing procedure specified by the department by rule.

18 ***-0183/1.24* SECTION 2478.** 252.07 (1t) of the statutes is created to read:

19 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
20 ensure that antimicrobial drug susceptibility tests are performed on the initial
21 isolate. The laboratory shall report the results of these tests to the local health officer
22 and the department.

23 ***-0183/1.25* SECTION 2479.** 252.07 (2) of the statutes is amended to read:

24 252.07 (2) The department shall identify groups at risk for contracting or
25 transmitting mycobacterium tuberculosis and shall recommend the protocol for

1 screening members of those groups. ~~If necessary to prevent or control the~~
2 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
3 ~~that require screening of members of specific groups that are at risk for contracting~~
4 ~~or transmitting mycobacterium tuberculosis.~~

5 *~~0183/1.26~~* SECTION 2480. 252.07 (4) of the statutes is repealed.

6 *~~0183/1.27~~* SECTION 2481. 252.07 (5) of the statutes is amended to read:

7 252.07 (5) Upon report of any person under sub. ~~(1)~~ (1m) or (1t), the local health
8 officer shall at once investigate and make and enforce the necessary orders. If any
9 person does not voluntarily comply with any order made by the local health officer
10 with respect to that person, the local health officer or the department may order a
11 medical evaluation, directly observed therapy or home isolation of that person.

12 *~~0183/1.28~~* SECTION 2482. 252.07 (7) of the statutes is repealed.

13 *~~0183/1.29~~* SECTION 2483. 252.07 (8) of the statutes is created to read:

14 252.07 (8) (a) The department or a local health officer may order the
15 confinement to a facility of an individual who has a confirmed diagnosis of infectious
16 tuberculosis or suspect tuberculosis if all of the following conditions are met:

17 1. The department or local health officer notifies a court in writing of the
18 confinement.

19 2. The department or local health officer provides to the court a written
20 statement from a physician that the individual has infectious tuberculosis or suspect
21 tuberculosis.

22 3. The department or local health officer provides to the court evidence that the
23 individual has refused to follow a prescribed treatment regimen or, in the case of an
24 individual with suspect tuberculosis, has refused to undergo a medical examination
25 to confirm whether the individual has infectious tuberculosis.

1 4. In the case of an individual with a confirmed diagnosis of infectious
2 tuberculosis, the department or local health officer determines that the individual
3 poses an imminent and substantial threat to himself or herself or to the public
4 health. The department or local health officer shall provide to the court a written
5 statement of that determination.

6 (b) If the department or local health officer orders the confinement of an
7 individual under this subsection, a law enforcement officer, or other person
8 authorized by the local public health officer, shall transport the individual, if
9 necessary, to a facility that the department or local health officer determines will
10 meet the individual's need for medical evaluation, isolation and treatment.

11 (c) No individual may be confined under this subsection for more than 72 hours,
12 excluding Saturdays, Sundays and legal holidays, without a court hearing under
13 sub. (9) to determine whether the confinement should continue.

14 ***-0183/1.30*** SECTION 2484. 252.07 (9) of the statutes is created to read:

15 252.07 (9) (a) The department or a local health officer may petition any court
16 for a hearing to determine whether an individual with infectious or suspect
17 tuberculosis should be confined for longer than 72 hours in a facility where proper
18 care and treatment will be provided and spread of the disease will be prevented. The
19 department or local health officer shall include in the petition documentation that
20 demonstrates all of the following:

21 1. That the individual named in the petition has infectious tuberculosis; that
22 the individual has noninfectious tuberculosis but is at high risk of developing
23 infectious tuberculosis; or that the individual has suspect tuberculosis.

1 2. That the individual has failed to comply with the prescribed treatment
2 regimen or with any rules promulgated by the department under sub. (11); or that
3 the disease is resistant to the medication prescribed to the individual.

4 3. That all other reasonable means of achieving voluntary compliance with
5 treatment have been exhausted and no less restrictive alternative exists; or that no
6 other medication to treat the resistant disease is available.

7 4. That the individual poses an imminent and substantial threat to himself or
8 herself or to the public health.

9 (b) The department or local health officer shall give the individual written
10 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
11 of the hearing shall include all of the following information:

12 1. The date, time and place of the hearing.

13 2. The grounds, and underlying facts, upon which confinement of the individual
14 is being sought.

15 3. An explanation of the individual's rights specified under par. (d).

16 4. The proposed actions to be taken and the reasons for each action.

17 (c) If the court orders confinement of an individual under this subsection, the
18 individual shall remain confined until the department or local health officer, with the
19 concurrence of a treating physician, determines that treatment is complete or that
20 the individual is no longer a substantial threat to himself or herself or to the public
21 health. If the individual is to be confined for more than 6 months, the court shall
22 review the confinement every 6 months.

23 (d) An individual who is the subject of a petition for a hearing under this
24 subsection has the right to appear at the hearing, the right to present evidence and
25 cross-examine witnesses and the right to be represented by adversary counsel. At

1 the time of the filing of the petition the court shall assure that the individual who is
2 the subject of the petition is represented by adversary counsel. If the individual
3 claims or appears to be indigent, the court shall refer the individual to the authority
4 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
5 the court shall refer that child to the state public defender who shall appoint counsel
6 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
7 good cause is shown, a hearing under this subsection may be conducted by telephone
8 or live audiovisual means, if available.

9 (e) An order issued by the court under this subsection may be appealed as a
10 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
11 An appeal does not stay the order.

12 ***-0183/1.31* SECTION 2485.** 252.07 (11) of the statutes is created to read:

13 252.07 (11) The department may promulgate any rules necessary for the
14 administration and enforcement of this section, including, if necessary to prevent or
15 control the transmission of mycobacterium tuberculosis, rules that require screening
16 of members of specific groups that are at risk for contracting or transmitting
17 mycobacterium tuberculosis.

18 ***-0183/1.32* SECTION 2486.** 252.073 of the statutes is repealed.

19 ***-0183/1.33* SECTION 2487.** 252.076 of the statutes is repealed.

20 ***-0183/1.34* SECTION 2488.** 252.08 (1) of the statutes is repealed.

21 ***-0183/1.35* SECTION 2489.** 252.08 (2) of the statutes is repealed.

22 ***-0183/1.36* SECTION 2490.** 252.08 (3) of the statutes is renumbered 252.07

23 (10) and amended to read:

24 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
25 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are

1 not eligible for federal medicare benefits, for medical assistance under subch. V IV
2 of ch. 49 or for health care services funded by a relief block grant under subch. II of
3 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
4 the patient has private health insurance, the state shall pay the difference between
5 health insurance payments and total charges.

6 *–0183/1.37* SECTION 2491. 252.08 (4) of the statutes is repealed.

7 *–0183/1.38* SECTION 2492. 252.08 (5) of the statutes is repealed.

8 *–0183/1.39* SECTION 2493. 252.08 (6) of the statutes is repealed.

9 *–0183/1.40* SECTION 2494. 252.09 of the statutes is repealed.

10 *–0183/1.41* SECTION 2495. 252.10 (1) of the statutes is amended to read:

11 252.10 (1) ~~Counties with populations of more than 25,000 may establish and~~
12 ~~maintain public health dispensaries and, where necessary, branches of the~~
13 ~~dispensaries~~ A local health department may request from the department
14 certification to establish and maintain a public health dispensary for the diagnosis
15 and treatment of persons suffering from or suspected of having mycobacterium
16 tuberculosis ~~or other pulmonary diseases.~~ Two or more counties local health
17 departments may jointly establish, operate and maintain public health dispensaries
18 ~~in order to serve a total population of not less than 25,000. Counties.~~ The department
19 shall certify a local health department to establish and maintain a public health
20 dispensary if the local health department meets the standards established by the
21 department by rule. The department of health and family services may withhold,
22 suspend or revoke a certification if the local health department fails to comply with
23 any rules promulgated by the department. The department shall provide the local
24 health department with reasonable notice of the decision to withhold, suspend or
25 revoke certification. The department shall offer the local health department an

1 opportunity to comply with the rules and an opportunity for a fair hearing. Certified
2 local health departments may contract with each other for public health dispensary
3 services. The department and department of revenue shall be notified of the
4 establishment of public health dispensaries and any contracts pertaining to the
5 dispensaries. If the provider of those services fails to comply, the department may
6 suspend or revoke the local health department's certification. The department may
7 establish, operate and maintain public health dispensaries and branches in areas of
8 the state where local authorities have not provided public health dispensaries.

9 ***-0183/1.42* SECTION 2496.** 252.10 (3) of the statutes is repealed.

10 ***-0183/1.43* SECTION 2497.** 252.10 (5) of the statutes is repealed.

11 ***-0183/1.44* SECTION 2498.** 252.10 (6) (a) of the statutes is amended to read:

12 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual
13 or quarterly basis for the operation of public health dispensaries established and
14 maintained in accordance with this section and rules promulgated by the
15 department.

16 ***-0183/1.45* SECTION 2499.** 252.10 (6) (b) of the statutes is amended to read:

17 252.10 (6) (b) The state department shall determine by rule the reimbursement
18 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or
19 a greater amount prescribed in rules promulgated by the department. If an X-ray
20 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by
21 the department will be credited. Any X-ray taken outside a facility under this
22 section or outside a facility approved under s. 252.08 on individuals who have a
23 significant reaction to a test for mycobacterium tuberculosis shall qualify for state
24 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take
25 the place of the first X-ray eligible for reimbursement as part of a case finding and

1 ~~preventive program under par. (e). The administration and reading of the test for~~
2 ~~mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.~~
3 ~~Tests for mycobacterium tuberculosis given in school programs, employment health~~
4 ~~programs, community preventive and case finding programs are not reimbursable~~
5 ~~as a clinic visit.~~

6 *~~0183/1.46~~* SECTION 2500. 252.10 (6) (c) of the statutes is repealed.

7 *~~0183/1.47~~* SECTION 2501. 252.10 (6) (d) of the statutes is repealed.

8 *~~0183/1.48~~* SECTION 2502. 252.10 (6) (e) of the statutes is repealed.

9 *~~0183/1.49~~* SECTION 2503. 252.10 (6) (f) of the statutes is repealed.

10 *~~0183/1.50~~* SECTION 2504. 252.10 (6) (g) of the statutes is amended to read:

11 252.10 (6) (g) The reimbursement by the state under pars. (a) ~~to (f)~~ and (b) shall
12 apply only to funds that the department allocates for the reimbursement under the
13 appropriation under s. 20.435 (5) (e).

14 *~~0183/1.51~~* SECTION 2505. 252.10 (7) of the statutes, as affected by 1997
15 Wisconsin Act 156, is amended to read:

16 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
17 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
18 and dispensed to patients through the public health dispensaries ~~or through health~~
19 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
20 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
21 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
22 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~
23 ~~speech and language pathologists licensed by the department of public instruction~~
24 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
25 ~~or advanced practice nurse prescribers.~~

1 ***-0183/1.52* SECTION 2506.** 252.10 (9) of the statutes is amended to read:

2 252.10 (9) Public health dispensaries shall maintain such records as are
3 required by the department to enable them to carry out their responsibilities
4 designated in this section and in rules promulgated by the department. Records
5 ~~shall be submitted annually to the department as soon as possible after the close of~~
6 ~~each fiscal year and not later than August 15 following~~ may be audited by the
7 department.

8 ***-0183/1.53* SECTION 2507.** 252.14 (1) (d) of the statutes is amended to read:

9 252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,
10 community-based residential facility, county home, county mental health complex,
11 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department
12 under ~~ss. s.~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~
13 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
14 or 252.10.

15 ***-0027/4.34* SECTION 2508.** 253.07 (4) (intro.) of the statutes is amended to
16 read:

17 253.07 (4) FAMILY PLANNING SERVICES. (intro.) From the appropriation under
18 s. 20.435 (5) (f) (ch), the department shall allocate funds in the following amounts,
19 for the following services:

20 ***-0027/4.35* SECTION 2509.** 253.08 of the statutes is amended to read:

21 **253.08 Pregnancy counseling services.** The department shall make grants
22 from the appropriation under s. 20.435 (5) ~~(eg)~~ (ch) to individuals and organizations
23 to provide pregnancy counseling services. For a program to be eligible under this
24 section, an applicant must demonstrate that moneys provided in a grant under s.

1 20.435 (5) ~~(eg)~~ (cb) will not be used to engage in any activity specified in s. 20.9275
2 (2) (a) 1. to 3.

3 ***-0027/4.36* SECTION 2510.** 253.085 (2) of the statutes is amended to read:

4 253.085 (2) In addition to the amounts appropriated under s. 20.435 (5) ~~(ev)~~
5 (cb), the department shall allocate \$250,000 for each fiscal year from moneys
6 received under the maternal and child health services block grant program, 42 USC
7 701 to 709, for the outreach program under this section.

8 ***-1186/3.42* SECTION 2511.** 253.10 (3) (d) 1. of the statutes is amended to read:

9 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
10 a woman about public and private agencies, including adoption agencies, and
11 services that are available to provide information on family planning, as defined in
12 s. 253.07 (1) (a), including natural family planning information, to provide
13 ultrasound imaging services, to assist her if she has received a diagnosis that her
14 unborn child has a disability or if her pregnancy is the result of sexual assault or
15 incest and to assist her through pregnancy, upon childbirth and while the child is
16 dependent. The materials shall include a comprehensive list of the agencies
17 available, a description of the services that they offer and a description of the manner
18 in which they may be contacted, including telephone numbers and addresses, or, at
19 the option of the department, the materials shall include a toll-free, 24-hour
20 telephone number that may be called to obtain an oral listing of available agencies
21 and services in the locality of the caller and a description of the services that the
22 agencies offer and the manner in which they may be contacted. The materials shall
23 provide information on the availability of governmentally funded programs that
24 serve pregnant women and children. Services identified for the woman shall include
25 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for

1 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
2 ~~skills program under s. 49.193~~, the availability of family or medical leave under s.
3 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
4 child support laws and programs and the credit for expenses for household and
5 dependent care and services necessary for gainful employment under section 21 of
6 the internal revenue code. The materials shall state that it is unlawful to perform
7 an abortion for which consent has been coerced, that any physician who performs or
8 induces an abortion without obtaining the woman's voluntary and informed consent
9 is liable to her for damages in a civil action and is subject to a civil penalty, that the
10 father of a child is liable for assistance in the support of the child, even in instances
11 in which the father has offered to pay for an abortion, and that adoptive parents may
12 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
13 include information, for a woman whose pregnancy is the result of sexual assault or
14 incest, on legal protections available to the woman and her child if she wishes to
15 oppose establishment of paternity or to terminate the father's parental rights. The
16 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
17 tone services are obtainable by pregnant women who wish to use them and shall
18 describe the services.

19 ***-0178/2.3* SECTION 2512.** 253.12 of the statutes is repealed and recreated to
20 read:

21 **253.12 Birth defect prevention and surveillance system. (1)**

22 DEFINITIONS. In this section:

23 (a) "Birth defect" means any of the following conditions affecting an infant or
24 child that occurs prior to or at birth and that requires medical or surgical
25 intervention or interferes with normal growth and development:

1 1. A structural deformation, disruption or dysplasia.

2 2. A genetic, inherited or biochemical disease.

3 (b) “Pediatric specialty clinic” means a clinic the primary purpose of which is
4 to provide pediatric specialty diagnostic, counseling and medical management
5 services to persons with birth defects by physician subspecialist.

6 (c) “Infant or child” means a human being from birth to the age of 2 years.

7 (d) “Physician” has the meaning given in s. 448.01 (5).

8 (2) REPORTING. (a) Except as provided in par. (b), all of the following shall report
9 in the manner prescribed by the department under sub. (3) (a) 3. a birth defect in an
10 infant or child:

11 1. A hospital or pediatric specialty clinic in which the birth defect is diagnosed
12 in an infant or child or treatment for the birth defect is provided to the infant or child.

13 2. A physician who diagnoses the birth defect or provides treatment to the
14 infant or child for the birth defect.

15 3. A clinical laboratory that identifies a birth defect in the infant or child as the
16 result of laboratory analysis.

17 (b) No person specified under par. (a) 1. to 3. need report under par. (a) if that
18 person knows that another person specified under par. (a) 1. to 3. has already
19 reported to the department the required information with respect to the same birth
20 defect of the same infant or child.

21 (c) Upon request of the department, a physician, hospital or pediatric specialty
22 clinic shall provide to the department information contained in the medical records
23 of patients who have a confirmed or suspected birth defect diagnosis. The physician,
24 hospital or pediatric specialty clinic shall provide that information within 10
25 working days after the department requests it.

1 **(3) DEPARTMENT DUTIES AND POWERS.** (a) The department shall do all of the
2 following:

3 1. Establish and maintain an up-to-date registry that documents the
4 diagnosis in this state of any infant or child who has a birth defect, regardless of the
5 residence of the infant or child. The department shall include in the registry
6 information that will facilitate all of the following:

7 a. Identification of risk factors for birth defects.

8 b. Investigation of the incidence, prevalence and trends of birth defects using
9 epidemiological surveys.

10 c. Development of preventive strategies to decrease the occurrence of birth
11 defects.

12 2. Specify by rule the birth defects the existence of which requires a report
13 under sub. (2) to be submitted to the department.

14 3. Specify by rule the content, format and procedures for submitting a report
15 under sub. (2).

16 (b) The department may monitor the data contained in the reports submitted
17 under sub. (2) to ensure the quality of that data and to make improvements in
18 reporting methods.

19 **(4) COUNCIL ON BIRTH DEFECT PREVENTION AND SURVEILLANCE.** The council on
20 birth defect prevention and surveillance, created under s. 15.197 (12), shall make
21 recommendations to the department regarding the establishment of a registry that
22 documents the diagnosis and treatment in the state of an infant or child who has a
23 birth defect, as required under sub. (3) (a) 1. and regarding the rules that the
24 department is required to promulgate under sub. (3) (a) 2. and 3.

1 (5) CONFIDENTIALITY. (a) Any information contained in a report made to the
2 department under sub. (2) that may specifically identify the subject of the report is
3 confidential. The department may not release that confidential information except
4 to the following, under the following conditions:

5 1. The parent or guardian of an infant or child for whom a report is made under
6 sub. (2).

7 2. A local health officer, upon receipt of a written request and informed written
8 consent from the parent or guardian of the infant or child. The local health officer
9 may disclose information received under this subdivision only to the extent
10 necessary to render and coordinate follow-up care for the infant or child or to conduct
11 a health, demographic or epidemiological investigation. The local health officer shall
12 destroy all information received under this subdivision within one year after
13 receiving it.

14 3. A physician, hospital or pediatric specialty clinic reporting under sub. (2),
15 for the purpose of verification of information reported by the physician, hospital or
16 pediatric specialty clinic.

17 4. A representative of a federal or state agency upon written request and to the
18 extent that the information is necessary to perform a legally authorized function of
19 that agency, including investigation of causes, mortality, methods of prevention,
20 treatment or care of birth defects, associated diseases or disabilities. The
21 information may not include the name or address of an infant or child with a
22 condition reported under sub. (2). The department shall notify the parent or
23 guardian of an infant or child about whom information is released under this
24 subdivision, of the release. The representative of the federal or state agency may

1 disclose information received under this paragraph only as necessary to perform the
2 legally authorized function of that agency for which the information was requested.

3 (b) The department may also release confidential information to a person
4 proposing to conduct research if all of the following conditions are met:

5 1. The person proposing to conduct the research applies in writing to the
6 department for approval to perform the research and the department approves the
7 application. The application for approval shall include a written protocol for the
8 proposed research, the person's professional qualifications to perform the proposed
9 research and any other information requested by the department.

10 2. The research is for the purpose of studying birth defects surveillance and
11 prevention.

12 3. If the research will involve direct contact with a subject of a report made
13 under sub. (2) or with any member of the subject's family, the department determines
14 that the contact is necessary for meeting the research objectives and that the
15 research is in response to a public health need or is for the purpose of or in connection
16 with birth defects surveillance or investigations sponsored and conducted by public
17 health officials. The department must also determine that the research has been
18 approved by a certified institutional review board or a committee for the protection
19 of human subjects in accordance with the regulations for research involving human
20 subjects required by the federal department of health and human services for
21 projects supported by that agency. Contact may only be made in a manner and
22 method approved by the department.

23 4. The person agrees in writing that the information provided will be used only
24 for the research approved by the department.

1 5. The person agrees in writing that the information provided will not be
2 released to any person except other persons involved in the research.

3 6. The person agrees in writing that the final product of the research will not
4 reveal information that may specifically identify the subject of a report made under
5 sub. (2).

6 7. The person agrees in writing to any other conditions imposed by the
7 department.

8 ***-1164/4.3* SECTION 2513.** 254.31 (1) (b) of the statutes is created to read:

9 254.31 (1) (b) The tailings or waste produced by the extraction or concentration
10 of uranium or thorium from any ore processed primarily for its source material
11 content.

12 ***-1164/4.4* SECTION 2514.** 254.31 (1) (b) of the statutes is created to read:

13 ***-1164/4.5* SECTION 2515.** 254.31 (2) of the statutes is created to read:

14 254.31 (2) "Decommissioning" means conducting final operational activities at
15 a nuclear facility to dismantle site structures, to decontaminate site surfaces and
16 remaining structures, to stabilize and contain residual radioactive material and to
17 carry out any other activities necessary to prepare the site for postoperational care.

18 ***-1164/4.6* SECTION 2516.** 254.31 (2m) of the statutes is created to read:

19 254.31 (2m) "General license" means a license, under requirements prescribed
20 by the department by rule, to possess, use, transfer or acquire by-product material
21 or devices or equipment utilizing by-product material without the filing of a license
22 application by a person or issuance of licensing confirmation by the department.

23 ***-1164/4.7* SECTION 2517.** 254.31 (3) of the statutes is renumbered 254.31 (1)
24 (intro.) and amended to read:

1 254.31 (1) (intro.) “By-product material” means any ~~radioactive~~ of the
2 following:

3 (a) Radioactive material ~~(except special nuclear material)~~, yielded in or made
4 radioactive by exposure to the radiation incident to the process of producing or
5 utilizing special nuclear material.

6 ***-1164/4.8* SECTION 2518.** 254.31 (3g) of the statutes is repealed and recreated
7 to read:

8 254.31 (3g) “Ionizing radiation” means all radiations capable of producing ions
9 directly or indirectly in their passage through matter, including all of the following:

10 (a) Electromagnetic radiations, including X-rays and gamma rays.

11 (b) Particulate radiations, including electrons, beta particles, protons,
12 neutrons, alpha particles and other nuclear particles.

13 ***-1164/4.9* SECTION 2519.** 254.31 (5) of the statutes is created to read:

14 254.31 (5) “Radiation generating equipment” means a system, manufactured
15 product or device or component part of such a product or device that, during
16 operation, is capable of generating or emitting ionizing radiation without the use of
17 radioactive material. “Radiation generating equipment” does not include a device
18 that emits nonionizing radiation.

19 ***-1164/4.10* SECTION 2520.** 254.31 (6) of the statutes is amended to read:

20 254.31 (6) “Radiation installation” is any location or facility where radiation
21 ~~machines are generating equipment is~~ used or where radioactive material is
22 produced, transported, stored, disposed of or used for any purpose.

23 ***-1164/4.11* SECTION 2521.** 254.31 (7) of the statutes is repealed.

24 ***-1164/4.12* SECTION 2522.** 254.31 (8) of the statutes is renumbered 254.31
25 (9m) and amended to read:

1 254.31 (9m) “Radioactive material” includes any solid, liquid or gaseous
2 substance which emits ionizing radiation spontaneously, including
3 accelerator-produced material, by-product material, naturally occurring material,
4 source material and special nuclear material.

5 *–1164/4.13* SECTION 2523. 254.31 (9) of the statutes is amended to read:

6 254.31 (9) “Radiation source” means a radiation ~~machine~~ generating
7 equipment or radioactive material as defined herein.

8 *–1164/4.14* SECTION 2524. 254.31 (11g) of the statutes is created to read:

9 254.31 (11g) “Specific license” means a license, under requirements prescribed
10 by the department by rule, to possess, use, manufacture, produce, transfer or acquire
11 radioactive material or devices or equipment utilizing radioactive material.

12 *–1164/4.15* SECTION 2525. 254.31 (11m) of the statutes is created to read:

13 254.31 (11m) “Transuranic” means a radioactive material having an atomic
14 number that is greater than 92.

15 *–1164/4.16* SECTION 2526. 254.31 (12) of the statutes is amended to read:

16 254.31 (12) “X-ray tube” means any electron tube ~~which~~ that is contained in
17 a device and that is specifically designed for the conversion of electrical energy into
18 X-ray energy.

19 *–1164/4.17* SECTION 2527. 254.33 of the statutes is amended to read:

20 **254.33 Public policy.** Since radiations and their sources can be instrumental
21 in the improvement of the health and welfare of the public if properly utilized, and
22 may be destructive or detrimental to life or health if carelessly or excessively
23 employed or may detrimentally affect the environment of the state if improperly
24 utilized, it is hereby declared to be the public policy of this state to encourage the
25 constructive uses of radiation and to prohibit and prevent exposure to radiation in

1 amounts which are or may be detrimental to health. It is further the policy for the
2 department to advise, consult and cooperate with ~~the department of commerce and~~
3 other agencies of the state, the federal government, other states and interstate
4 agencies and with affected groups, political subdivisions and industries; and, in
5 general, to conform as nearly as possible to nationally accepted standards in the
6 promulgation and enforcement of rules.

7 ***-1164/4.18* SECTION 2528.** 254.335 of the statutes is created to read:

8 **254.335 Agreements with the U.S. nuclear regulatory commission**
9 **transition.** (1) The governor may, on behalf of the state, enter into agreements with
10 the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to
11 discontinue certain federal licensing and related regulatory authority with respect
12 to by-product material, source material and special nuclear material and to assume
13 state regulatory authority.

14 (2) Any person who, on the effective date of an agreement specified under sub.
15 (1), possesses a license issued by the U.S. nuclear regulatory commission that is
16 subject to the agreement is considered to possess a specific license issued under s.
17 254.365 (1) (a) or to fulfill requirements specified for a general license under s.
18 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the
19 person from the department of a notice of expiration of the license or on the date of
20 expiration that was specified in the license issued by the U.S. nuclear regulatory
21 commission, whichever is earlier.

22 ***-1164/4.19* SECTION 2529.** 254.34 (1) (intro.) of the statutes is amended to
23 read:

24 254.34 (1) (intro.) The department ~~and the department of commerce~~ is the state
25 radiation control agency and shall do all of the following:

1 ***-1164/4.20* SECTION 2530.** 254.34 (1) (a) of the statutes is amended to read:

2 254.34 (1) (a) ~~Formulate, adopt and enforce, amend and repeal~~ Promulgate and
3 enforce rules, including registration and licensing of sources of ionizing radiation, as
4 may be necessary to prohibit and prevent unnecessary radiation. ~~Such exposure.~~
5 The rules may incorporate by reference the recommended standards of nationally
6 recognized bodies in the field of radiation protection and other fields of atomic energy,
7 under the procedure established by s. 227.21 (2). ~~The rules for by-product material,~~
8 source material and special nuclear material may be no less stringent than the
9 requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC
10 2011 to 2114.

11 ***-1164/4.21* SECTION 2531.** 254.34 (1) (c) of the statutes is renumbered 254.34
12 (1) (c) (intro.) and amended to read:

13 254.34 (1) (c) (intro.) Develop comprehensive policies and programs for the
14 evaluation ~~and, determination and reduction~~ of hazards associated with the use of
15 radiation, ~~and for their amelioration. that are compatible with requirements of the~~
16 U.S. nuclear regulatory commission for the regulation of by-product material,
17 source material and special nuclear material. The department shall maintain all of
18 the following records:

19 ***-1164/4.22* SECTION 2532.** 254.34 (1) (c) 1. of the statutes is created to read:

20 254.34 (1) (c) 1. Files of all license applications, issuances, denials, transfers,
21 renewals, modifications, suspensions and revocations under s. 254.365.

22 ***-1164/4.23* SECTION 2533.** 254.34 (1) (c) 2. of the statutes is created to read:

23 254.34 (1) (c) 2. Files of all registrants under s. 254.35 and any related
24 administrative or judicial action.

1 *~~1164/4.24~~* **SECTION 2534.** 254.34 (2) (intro.) of the statutes is amended to
2 read:

3 254.34 (2) (intro.) The department, ~~serving as the lead agency, and the~~
4 department of commerce may:

5 *~~1164/4.25~~* **SECTION 2535.** 254.34 (4) of the statutes is renumbered 254.34
6 (1) (h) 5.

7 *~~1164/4.26~~* **SECTION 2536.** 254.345 of the statutes is created to read:

8 **254.345 Assessment of Fee.** (1) The department may annually assess a fee
9 of 36% of the U.S. nuclear regulatory commission license application fee and
10 materials license annual fee, for any licensee of the U.S. nuclear regulatory
11 commission in this state. The fee amounts shall be used by the department for the
12 department's activities under this subchapter. The department may revise the fee
13 amounts by rule.

14 (2) This section does not apply after December 31, 2002.

15 *~~1164/4.27~~* **SECTION 2537.** 254.35 (1) of the statutes is amended to read:

16 254.35 (1) APPLICATION. ~~Every~~ For every site in this state ~~having that has~~ an
17 ionizing radiation installation, ~~that is~~ not exempted by this section or the rules of the
18 department ~~shall be registered by the department by January 1, 1964, by,~~ the person
19 in control of ~~an the~~ installation, including installations in sites that are administered
20 by a state agency or in an institution under the jurisdiction of a state agency, ~~and no~~
21 ~~such shall, prior to operation, register the ionizing radiation installation with the~~
22 department. No ionizing radiation installation may be operated thereafter unless
23 the site has been duly registered by January 1 of each year and a notice of the
24 registration is possessed by the person in control. ~~Every site having an ionizing~~
25 ~~radiation installation established in this state after July 20, 1985, shall be registered~~

1 ~~prior to its operation.~~ The application for registration shall be made on forms
2 provided by the department which shall be devised to obtain any information that
3 is considered necessary for evaluation of hazards. Multiple radiation sources at a
4 single radiation installation and under the control of one person shall be listed on a
5 single registration form. Registration fees shall be levied in accordance with sub. (3).
6 Registration alone ~~shall~~ does not imply approval of manufacture, storage, use,
7 handling, operation or disposal of the radiation installation or radioactive materials,
8 but ~~shall serve~~ serves merely to inform the department of the location and character
9 of radiation sources. ~~The department shall furnish the department of commerce with~~
10 ~~a copy of each amended and new registration.~~ Persons engaged in manufacturing,
11 demonstration, sale, testing or repair of radiation sources ~~shall not be~~ are not
12 required to list such sources on the registration form.

13 ***-1164/4.28* SECTION 2538.** 254.35 (2) of the statutes is amended to read:

14 254.35 (2) AMENDED REGISTRATION. If the person in control increases the
15 number of sources, source strength, rated output or energy of radiation produced in
16 any installation, he or she shall notify the department of the increase prior to
17 operation on the revised basis. The department shall record the change in the
18 registration. No registration is transferable from one premises to another or from
19 one person to another. If the person in control ~~transfers~~ intends to transfer control
20 of ownership of the radiation installation to another person ~~the registration also~~
21 ~~transfers to the other person, who, at least 15 days before the final transfer the~~
22 registrant shall notify the department of the transfer ~~within 15 days.~~ The
23 ~~department shall record the change in the~~ and the intended transferee shall file
24 under sub. (1) an application for registration. If any installation is discontinued, the
25 person in control shall notify the department within 30 days of the discontinuance.

1 ***-1164/4.29* SECTION 2539.** 254.35 (3) (title) of the statutes is amended to
2 read:

3 254.35 (3) (title) ~~FEES~~ REGISTRATION FEES.

4 ***-1164/4.30* SECTION 2540.** 254.35 (3) (a) of the statutes is amended to read:

5 254.35 (3) (a) An annual registration fee under pars. (b) to (f) ~~(f)~~ (fm) shall be
6 levied for each site registration under this section. An additional penalty fee of ~~\$10~~
7 \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be
8 required for each registration whenever the annual fee for renewal is not paid prior
9 to expiration of the registration. No additional fee may be required for recording
10 changes in the registration information.

11 ***-1164/4.31* SECTION 2541.** 254.35 (3) (b) of the statutes is amended to read:

12 254.35 (3) (b) For a ~~medical~~ site having an ionizing radiation installation
13 serving physicians and clinics, osteopaths and clinics, and chiropractors or hospitals
14 that possesses radioactive materials in any quantity, the fee shall be at least ~~\$25~~ \$36
15 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

16 ***-1164/4.32* SECTION 2542.** 254.35 (3) (c) of the statutes is amended to read:

17 254.35 (3) (c) For a ~~chiropractic~~, podiatric or veterinary site having an ionizing
18 radiation installation, the fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~
19 \$44 for each X-ray tube.

20 ***-1164/4.33* SECTION 2543.** 254.35 (3) (d) of the statutes is amended to read:

21 254.35 (3) (d) For a dental site having an ionizing radiation installation, the
22 fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$20~~ \$30 for each X-ray tube.

23 ***-1164/4.34* SECTION 2544.** 254.35 (3) (f) of the statutes is amended to read:

1 254.35 (3) (f) For an industrial, school, research project or other site having an
2 ionizing radiation installation ~~and radioactive materials in any quantity~~, the fee
3 shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

4 ***-1164/4.35* SECTION 2545.** 254.35 (3) (fm) of the statutes is created to read:

5 254.35 (3) (fm) For any site that has generally licensed devices that are not
6 exempted by the department, the fee shall be at least \$100 for each site and at least
7 \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq
8 or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi
9 of a transuranic.

10 ***-1164/4.36* SECTION 2546.** 254.35 (3) (g) of the statutes is amended to read:

11 254.35 (3) (g) The fees under this subsection shall be as stated unless the
12 department promulgates rules to increase the annual registration fee ~~after January~~
13 ~~1, 1986~~, for a site having an ionizing radiation installation ~~or~~, for an X-ray tube ~~or~~
14 for generally licensed devices that are not exempted by the department.

15 ***-1164/4.37* SECTION 2547.** 254.35 (4) of the statutes is amended to read:

16 254.35 (4) EXEMPTIONS. ~~The department shall~~ After initial registration under
17 sub. (1), the department may exempt from annual registration any source licensed
18 ~~by the nuclear regulatory commission and may exempt from registration any source~~
19 ~~of radiation installation which~~ of radiation that the department finds to be without
20 undue radiation hazard ~~as determined by standards established by the national~~
21 ~~committee on radiation protection and measurements or any comparable nationally~~
22 ~~recognized agency established for the purpose of recommending standards for~~
23 ~~radiation protection, and after the initial registration may exempt from subsequent~~
24 ~~annual radiation requirements any source of radiation devoted primarily to~~
25 ~~industrial purposes.~~

1 *~~1164/4.38~~* **SECTION 2548.** 254.36 of the statutes is renumbered 254.34 (1)
2 (am) and amended to read:

3 254.34 (1) (am) ~~*Radiation protection.*~~ ~~The department shall promulgate a~~
4 ~~radiation protection code. Other departments and agencies of state government and~~
5 A rule identical to a rule specified under par. (a) may be promulgated by a state
6 agency other than the department and an ordinance identical to a rule specified
7 under par. (a) may be enacted by a local governmental units may adopt the identical
8 code unit, but no other rule, code or ordinance relating to this subject may be
9 promulgated or enacted may be promulgated or ordinance may be enacted that
10 differs from a rule under par. (a) and relates to the same subject area except as
11 provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

12 *~~1164/4.39~~* **SECTION 2549.** 254.365 of the statutes is created to read:

13 **254.365 Licensing of radioactive material. (1) LICENSE REQUIRED.** No
14 person may possess, use, manufacture, transport, store, transfer or dispose of
15 radioactive material or a device or item of equipment that uses radioactive material
16 or may operate a site that uses radioactive material that is not under the authority
17 of the U.S. nuclear regulatory commission unless one of the following applies:

18 (a) The person has a specific license issued by the department.

19 (b) The person meets general license requirements.

20 (c) The person possesses a license issued by another state or by the U.S. nuclear
21 regulatory commission that is reciprocally recognized by the department.

22 (d) The person is exempted from licensure under sub. (7).

23 **(2) APPLICATION.** Application for a license under sub. (1) (a) or for reciprocal
24 recognition under sub. (1) (c) shall be made on forms provided by the department.

1 **(3) MODIFICATION OR TERMINATION OF LICENSE.** Within 30 days after any change
2 to the information on a license issued under this section, the licensee shall inform the
3 department of the change and the department shall record the changed information.
4 Within 30 days after termination of an activity licensed under this section, the person
5 in control of the activity shall notify the department. The department may require
6 that the person in control submit to the department for approval a plan for
7 decommissioning the activity.

8 **(4) RULES.** The department shall promulgate rules for all of the following:

9 (a) The issuance, modification, suspension, termination and revocation of
10 specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

11 (b) The requirements for a general license under sub. (1) (b).

12 **(5) FEES AND CHARGES.** (a) The department may assess fees, the amounts of
13 which are prescribed by the department by rule, for any of the following:

14 1. Issuance of an initial or renewal specific license under sub. (1) (a).

15 2. Annual license maintenance.

16 3. Issuance of a license amendment.

17 4. Termination of a license.

18 5. Issuance of reciprocal recognition of a license for radioactive materials of
19 another state or the U.S. nuclear regulatory commission.

20 (b) The department may assess a late payment charge of 25% of the specific
21 license renewal fee, in addition to the fee under par. (a) for renewal of a specific
22 license, if payment for renewal of a specific license is not made within 30 days after
23 the license expiration date.

24 **(6) DENIAL, SUSPENSION OR REVOCATION OF LICENSURE.** The department may, after
25 a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for

1 failure by the licensee to comply with this subchapter, rules promulgated by the
2 department under this subchapter or any condition of the license.

3 (7) EXEMPTION. The department may exempt from licensing requirements of
4 this section radioactive material that the department finds is without undue
5 radiation hazard.

6 *-1164/4.40* SECTION 2550. 254.37 (1) of the statutes is renumbered 254.37
7 (1) (intro.) and amended to read:

8 254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. (intro.)
9 Whenever the department ~~or the department of commerce~~ finds, upon inspection and
10 examination, that a source of radiation as constructed, operated or maintained
11 results in a violation of this subchapter or of any rules promulgated under this
12 subchapter, ~~it the department~~ shall notify do all of the following:

13 (a) Notify the person in control that is causing, allowing or permitting the
14 violation as to the nature of the violation ~~and order~~.

15 (b) Order that, prior to a specified time, the person in control shall cease and
16 abate causing, allowing or permitting the violation and take such action as may be
17 necessary to have the source of radiation constructed, operated, or maintained in
18 compliance with this subchapter and rules promulgated under this subchapter.

19 *-1164/4.41* SECTION 2551. 254.37 (2) of the statutes is amended to read:

20 254.37 (2) ORDERS. The department ~~or the department of commerce~~ shall issue
21 and enforce such orders or modifications of previously issued orders as may be
22 required in connection with proceedings under this subchapter. The orders shall be
23 subject to review by the department upon petition of the persons affected. Whenever
24 the department ~~or the department of commerce~~ finds that a condition exists ~~which~~
25 that constitutes an immediate threat to health due to violation of this subchapter or

1 any rule or order promulgated under this subchapter, it may issue an order reciting
2 the existence of the threat and the findings pertaining to the threat. The department
3 ~~or the department of commerce~~ may summarily cause the abatement of the violation.

4 ***-1164/4.42* SECTION 2552.** 254.37 (3) of the statutes is amended to read:

5 254.37 (3) RULES. The department shall promulgate and enforce the rules
6 pertaining to ionizing radiation ~~in establishments principally engaged in furnishing~~
7 ~~medical, surgical, chiropractic and other health services to persons and animals. The~~
8 ~~department of commerce shall enforce the rules pertaining to ionizing radiation in~~
9 ~~industrial establishments. The department shall notify the department of commerce~~
10 ~~and deliver to it a copy of each new registration and at such time a decision shall be~~
11 ~~made as to which state agency shall enforce the rules pertaining to ionizing~~
12 ~~radiation.~~

13 ***-1164/4.43* SECTION 2553.** 254.37 (4) of the statutes is amended to read:

14 254.37 (4) ENFORCEMENT JURISDICTION. ~~All orders issued under this subchapter~~
15 ~~shall be enforced by the attorney general.~~ The circuit court of Dane county shall have
16 jurisdiction to enforce the orders by injunctive and other appropriate relief.

17 ***-1164/4.44* SECTION 2554.** 254.38 (title) of the statutes is created to read:

18 **254.38 (title) Emergency authority.**

19 ***-1164/4.45* SECTION 2555.** 254.38 of the statutes is renumbered 254.38 (1)
20 and amended to read:

21 254.38 (1) IMPOUNDING MATERIALS. The department ~~or department of commerce~~
22 may impound or order the sequestration of sources of radiation in the possession of
23 any person who is not equipped to observe or who fails to observe safety standards
24 to protect health that are established in rules promulgated by the department ~~or the~~
25 ~~department of commerce.~~

1 ***-1164/4.46* SECTION 2556.** 254.38 (2) of the statutes is created to read:

2 254.38 (2) EMERGENCY ORDERS. If the department finds that an emergency
3 exists concerning a matter subject to regulation under this subchapter that requires
4 immediate action to protect the public health or safety, the department may issue an
5 emergency order without notice or hearing that recites the existence of the
6 emergency and requires such action as is necessary to mitigate the emergency. Any
7 person to whom the order is issued shall immediately comply with the order. A
8 person to whom an emergency order is issued shall be afforded a hearing within 30
9 days after receipt by the department of a written request for the hearing. An
10 emergency order is effective upon issuance and remains in effect for up to 90 days
11 after issuance, except that the order may be revoked or modified based on the results
12 of the hearing.

13 ***-1164/4.47* SECTION 2557.** 254.39 (2) of the statutes is amended to read:

14 254.39 (2) This subchapter does not apply to on-site activities of any nuclear
15 reactor plant licensed by the ~~nuclear regulatory commission~~ U.S. nuclear regulatory
16 commission.

17 ***-1164/4.48* SECTION 2558.** 254.45 of the statutes is repealed and recreated
18 to read:

19 **254.45 Penalties. (1) GENERAL.** (a) Any person who violates this subchapter
20 or a rule promulgated under this subchapter or a condition of a license or registration
21 issued by the department under this subchapter may be required to forfeit not less
22 than \$100 nor more than \$100,000. Each day of continued violation constitutes a
23 separate offense.

24 (b) The amount of the forfeiture assessed under par. (a) shall be determined by
25 considering all of the following:

1 1. The wilfulness of the violation.

2 2. The person's previous violations, if any, of this subchapter, rules
3 promulgated under this subchapter or conditions of a license or registration issued
4 by the department under this subchapter.

5 3. The potential danger or actual or potential injury to the environment or to
6 public health caused by the violation.

7 4. The actual or potential costs of the damage or injury caused by the violation.

8 (2) ASSESSMENT OF FORFEITURES; NOTICE. The department may directly assess
9 forfeitures provided for in sub. (1). If the department determines that a forfeiture
10 should be assessed for a particular violation, the department shall send a notice of
11 assessment to the person. The notice shall specify the amount of the forfeiture
12 assessed and the violation and the statute or rule alleged to have been violated and
13 shall inform the person of the right to hearing under sub. (3).

14 (3) HEARING. A person upon whom a forfeiture is imposed may contest the
15 action by sending, within 10 days after receipt of notice of a contested action, a
16 written request for hearing under s. 227.44 to the division of hearings and appeals
17 created under s. 15.103 (1). The administrator of the division may designate a
18 hearing examiner to preside over the case and recommend a decision to the
19 administrator under s. 227.46. The decision of the administrator of the division shall
20 be the final administrative decision. The division shall commence the hearing within
21 30 days of receipt of the request for hearing and shall issue a final decision within
22 15 days after the close of the hearing. Proceedings before the division are governed
23 by ch. 227.

24 (4) FORFEITURE PAYMENT AND DISPOSITION. (a) A person against whom the
25 department has assessed a forfeiture shall pay the forfeiture to the department

1 within 10 days after receipt of the notice under sub. (2) or, if the person contests the
2 assessment, within 10 days after receipt of the final decision after exhaustion of
3 administrative review. If the person petitions for judicial review under ch. 227, the
4 person shall pay the forfeiture within 10 days after receipt of the final judicial
5 decision.

6 (b) The department shall remit all forfeitures paid to the state treasurer for
7 deposit in the school fund.

8 (5) ENFORCEMENT. The attorney general may bring an action in the name of the
9 state to collect any forfeiture imposed under this section if the forfeiture has not been
10 paid as required under sub. (4). The only issue to be contested in an action under this
11 subsection is whether the forfeiture has been paid.

12 ***-0183/1.54* SECTION 2559.** 255.05 (1) (a) of the statutes is amended to read:

13 255.05 (1) (a) "Institution" means any hospital, nursing home, county home,
14 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
15 facility or other place licensed or approved by the department under ~~ss. s.~~ s. 49.70,
16 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~

17 ***-1164/4.49* SECTION 2560.** 281.01 (15) of the statutes is amended to read:

18 281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste
19 treatment plant, water supply treatment plant or air pollution control facility and
20 other discarded or salvageable materials, including solid, liquid, semisolid, or
21 contained gaseous materials resulting from industrial, commercial, mining and
22 agricultural operations, and from community activities, but does not include solids
23 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
24 return flows or industrial discharges which are point sources subject to permits
25 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

1 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
2 (~~3~~) (1).

3 *–1065/2.4* SECTION 2561. 281.165 of the statutes is created to read:

4 **281.165 Compliance with water quality standards for wetlands.** An
5 activity shall be considered to comply with the water quality standards that are
6 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
7 exempt from any prohibition, restriction, requirement, permit, license, approval,
8 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
9 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
10 order issued or ordinance adopted under any of those sections or chapters, if the
11 activity meets all of the following requirements:

12 (1) The wetland area that will be affected by the activity is less than 15 acres
13 in size.

14 (2) The site of the activity is zoned for industrial use and is in the vicinity of
15 a manufacturing facility.

16 (3) The site of the activity is within the corporate limits of a city on January
17 1, 1999.

18 (4) The governing body of the city adopts a resolution stating that the
19 exemption under this section is necessary to protect jobs that exist in the city on the
20 date of the adoption of the resolution or is necessary to promote job creation.

21 (5) The site of the activity is located in Trempealeau County.

22 *–0516/2.2* SECTION 2562. 281.17 (3) of the statutes is amended to read:

23 281.17 (3) The department shall promulgate rules establishing an examining
24 program for the certification of operators of water systems, wastewater treatment
25 plants and septage servicing vehicles operated under a license issued under s. 281.48

(3), setting such standards as the department finds necessary to accomplish the purposes of this chapter and chs. 285 and 289 to 299, including requirements for continuing education. The department may charge applicants a fee for certification. All moneys collected under this subsection for the certification of operators of water systems, wastewater treatment plants and septage servicing vehicles shall be credited to the appropriation under s. 20.370 (4) (bL). No person may operate a water systems, wastewater treatment plant or septage servicing vehicle without a valid certificate issued under this subsection. The department may suspend or revoke a certificate issued under this subsection for a violation of any statute or rule relating to the operation of a water system or wastewater treatment plant or to septage servicing, or for failure to fulfill the continuing education requirements ~~or as provided under s. 145.245 (3)~~. The owner of any wastewater treatment plant shall be, or shall employ, an operator certified under this subsection who shall be responsible for plant operations, unless the department by rule provides otherwise. In this subsection, "wastewater treatment plant" means a system or plant used to treat industrial wastewater, domestic wastewater or any combination of industrial wastewater and domestic wastewater.

***-0516/2.3* SECTION 2563.** 281.48 (5) (a) 4. of the statutes is amended to read:

281.48 (5) (a) 4. Violated any provisions of this section or any rule prescribed by the department ~~or falsified information on inspection forms under s. 145.245 (3)~~.

***-0282/2.3* SECTION 2564.** 281.58 (1) (ae) of the statutes is repealed.

***-0282/2.4* SECTION 2565.** 281.58 (6) (a) 4. of the statutes is repealed.

***-0282/2.5* SECTION 2566.** 281.58 (6) (b) 1. of the statutes is amended to read:

281.58 (6) (b) 1. Purchasing or refinancing the obligation of a municipality if the obligation was incurred to finance the cost of constructing a water pollution

1 control project located in this state ~~and the obligation was initially incurred on or~~
2 ~~after May 17, 1988.~~

3 ***-0282/2.6* SECTION 2567.** 281.58 (6) (b) 2. of the statutes is repealed.

4 ***-0282/2.7* SECTION 2568.** 281.58 (7) (b) 3. of the statutes is repealed.

5 ***-0282/2.8* SECTION 2569.** 281.58 (7) (b) 7. of the statutes is repealed.

6 ***-0282/2.9* SECTION 2570.** 281.58 (8) (h) of the statutes is amended to read:

7 281.58 (8) (h) Except as provided in par. (k), a municipality that is a violator
8 of an effluent limitation at the time that the application for a treatment work project
9 is approved under sub. (9m) may not receive financial assistance of a method
10 specified under sub. (6) (b) 1., ~~2.,~~ 3., 4. or 5. for that part of the treatment work project
11 that is needed to correct the violation. This paragraph does not apply to a
12 municipality that after May 17, 1988, is in compliance with a court or department
13 order to correct a violation of the enforceable requirements of its ch. 283 permit, and
14 that is applying for financial assistance under s. 281.59 (13) to correct that violation.

15 ***-1740/3.1* SECTION 2571.** 281.58 (8) (j) of the statutes is created to read:

16 281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the
17 amount of subsidy necessary to reduce the interest rate on the loan from market rate
18 to the interest rate that would have been charged on a loan to the municipality under
19 sub. (6) (b) 4.

20 ***-0282/2.10* SECTION 2572.** 281.58 (8) (L) of the statutes is repealed.

21 ***-0282/2.11* SECTION 2573.** 281.58 (8e) (a) of the statutes is amended to read:

22 281.58 (8e) (a) The type of project and the order in which it is listed under sub.
23 (7) (b) 1. to ~~7.~~ 6.

24 ***-0282/2.12* SECTION 2574.** 281.58 (8s) of the statutes is amended to read:

1 281.58 (8s) FACILITY PLAN. A municipality seeking financial assistance for a
2 project under this section, ~~except for a municipality seeking a capital cost loan~~, shall
3 complete a facility plan as required by the department by rule.

4 *~~0282/2.13~~* SECTION 2575. 281.58 (9) (b) of the statutes is amended to read:

5 281.58 (9) (b) A municipality seeking financial assistance, ~~except for a~~
6 ~~municipality seeking a capital cost loan~~, for a project under the clean water fund
7 program shall complete an environmental analysis sequence as required by the
8 department by rule.

9 *~~0282/2.14~~* SECTION 2576. 281.58 (12) (a) 4. of the statutes is amended to
10 read:

11 281.58 (12) (a) 4. The interest rate for projects specified in sub. (7) (b) 6. and
12 ~~7.~~ and for those portions of projects under subd. 1. that are restricted by sub. (8) (b),
13 (c), (f) or (h) is market interest rate.

14 *~~0282/2.15~~* SECTION 2577. 281.58 (12) (a) 5. of the statutes is repealed.

15 *~~1856/1.5~~* SECTION 2578. 281.59 (1m) (c) of the statutes is created to read:

16 281.59 (1m) (c) There is established a private sewage system replacement and
17 rehabilitation loan program, administered under s. 145.245 (12m).

18 *~~0975/1.1~~* SECTION 2579. 281.59 (3e) (b) 1. and 3. of the statutes are amended
19 to read:

20 281.59 (3e) (b) 1. Equal to ~~\$90,200,000~~ \$87,400,000 during the ~~1997-99~~
21 1999-01 biennium.

22 3. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

23 *~~0936/2.1~~* SECTION 2580. 281.59 (3m) (b) 1. and 2. of the statutes are
24 amended to read:

1 281.59 (3m) (b) 1. Equal to ~~\$4,500,000~~ \$9,400,000 during the ~~1997-99~~ 1999-01
2 biennium.

3 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

4 ***-0974/1.1* SECTION 2581.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
5 to read:

6 281.59 (3s) (b) 1. Equal to ~~\$21,000,000~~ \$5,200,000 during the ~~1997-99~~ 1999-01
7 biennium.

8 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

9 ***-1432/5.50* SECTION 2582.** 281.59 (4) (b) of the statutes is amended to read:

10 281.59 (4) (b) The department of administration may, under s. ~~18.56~~ 18.561 (5)
11 and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state
12 treasury or in an account maintained by a trustee outside the state treasury, any
13 portion of the revenues derived under s. 25.43 (1). The revenues deposited with a
14 trustee outside the state treasury are the trustee's revenues in accordance with the
15 agreement between this state and the trustee or in accordance with the resolution
16 pledging the revenues to the repayment of revenue obligations issued under this
17 subsection.

18 ***-0282/2.16* SECTION 2583.** 281.59 (9) (a) of the statutes is amended to read:

19 281.59 (9) (a) A loan approved under the clean water fund program, the safe
20 drinking water loan program or the land recycling loan program shall be for no longer
21 than 20 years, as determined by the department of administration, be fully
22 amortized not later than 20 years after the original date of the ~~note~~ financial
23 assistance agreement, and require the repayment of principal and interest, if any,
24 to begin not later than 12 months after the expected date of completion of the project
25 that it funds, as determined by the department of administration.

1 ***-0282/2.17* SECTION 2584.** 281.59 (12) of the statutes is amended to read:

2 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
3 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. ~~or 2.~~ and guarantee
4 or purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
5 department of administration and the department of natural resources approve the
6 financial assistance under this section and s. 281.58.

7 ***-0936/2.2* SECTION 2585.** 281.60 (1) (a) of the statutes is amended to read:

8 281.60 (1) (a) "Eligible applicant" means a political subdivision, a
9 redevelopment authority created under s. 66.431 or a housing authority.

10 ***-0936/2.3* SECTION 2586.** 281.60 (1) (c) of the statutes is repealed.

11 ***-0936/2.4* SECTION 2587.** 281.60 (2) of the statutes is amended to read:

12 281.60 (2) GENERAL. The department and the department of administration
13 may administer a program to provide financial assistance to eligible applicants for
14 projects to remedy environmental contamination of sites or facilities at which
15 environmental contamination has affected groundwater or surface water or
16 threatens to affect groundwater or surface water. The department and the
17 department of administration may provide financial assistance under this section to
18 an eligible applicant only if the eligible applicant owns the contaminated site or
19 facility or, if the applicant is a political subdivision, if a redevelopment authority or
20 a housing authority owns the contaminated site or facility. The department and the
21 department of administration may not provide financial assistance under this
22 section to remedy environmental contamination at a site or facility that is not a
23 landfill if the eligible applicant caused the environmental contamination.

24 ***-0936/2.5* SECTION 2588.** 281.60 (2r) (a) of the statutes is amended to read:

1 281.60 (2r) (a) Making loans below the market interest rate for projects
2 described in sub. (2).

3 *~~0936/2.6~~* **SECTION 2589.** 281.60 (7) (c) of the statutes is amended to read:

4 281.60 (7) (c) The department of administration determines that the eligible
5 applicant will meet the requirements of s. 281.59 (9) ~~(b)~~.

6 *~~1740/3.2~~* **SECTION 2590.** 281.60 (8s) of the statutes is created to read:

7 281.60 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
8 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
9 interest rate on the loan from market rate to the interest rate that would have been
10 charged on a loan to the political subdivision under sub. (2r) (a).

11 *~~0936/2.7~~* **SECTION 2591.** 281.60 (11) of the statutes is amended to read:

12 281.60 (11) LOAN INTEREST RATES. The department and the department of
13 administration may not charge interest rate on a land recycling loan program loan
14 shall be 55% of market interest rate.

15 *~~0936/2.8~~* **SECTION 2592.** 281.60 (11m) of the statutes is amended to read:

16 281.60 (11m) SERVICE FEE. The department and the department of
17 administration shall jointly charge and collect an annual service fee for reviewing
18 and acting upon land recycling loan program applications and servicing financial
19 assistance agreements. ~~The fee shall be in addition to interest payments at the rate~~
20 ~~under sub. (11).~~ For the 1997–99 fiscal biennium, the service fee shall be 0.5% of the
21 loan balance. Fee amounts for later biennia shall be established in the biennial
22 finance plan under s. 281.59 (3) (a) 8. The department and the department of
23 administration shall specify in the biennial finance plan a fee designed to cover the
24 costs of reviewing and acting upon land recycling loan program applications and
25 servicing financial assistance agreements.

1 ***-1740/3.3* SECTION 2593.** 281.61 (8s) of the statutes is created to read:

2 281.61 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
3 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
4 interest rate on the loan from market rate to the interest rate that would have been
5 charged on a loan to the local governmental unit under sub. (2r) (a).

6 ***-1785/P3.75* SECTION 2594.** 281.65 (5) (b) of the statutes is amended to read:

7 281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan
8 relating to farm-specific implementation schedules, requirements under ~~ss. 92.104~~
9 and s. 92.105, animal waste management and selection of agriculturally related best
10 management practices and submit those sections to the department for inclusion
11 under sub. (4m) (b). The best management practices shall be cost-effective best
12 management practices, as specified under sub. (4) (e), except in situations in which
13 the use of a cost-effective best management practice will not contribute to water
14 quality improvement or will cause a water body to continue to be impaired as
15 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
16 (A).

17 ***-1785/P3.76* SECTION 2595.** 281.65 (5) (d) of the statutes is amended to read:

18 281.65 (5) (d) Develop a grant disbursement and project management schedule
19 for agriculturally related best management practices to be included in a plan
20 established under sub. (4) (g) and identify recommendations for implementing
21 activities or projects under ~~ss. 92.10, 92.104 and 92.105.~~

22 ***-1785/P3.77* SECTION 2596.** 281.65 (5) (e) of the statutes is amended to read:

23 281.65 (5) (e) Identify areas within a priority watershed or priority lake area
24 that are subject to activities required under ~~ss. 92.104 and s. 92.105.~~

25 ***-0589/1.28* SECTION 2597.** 281.65 (8) (L) of the statutes is amended to read:

1 281.65 (8) (L) A grant may not be made to an individual if the department
2 receives a certification under s. 49.855 (7) that the individual is delinquent in child
3 support or maintenance payments or owes past support, medical expenses or birth
4 expenses whose name appears on the statewide support lien docket under s. 49.854
5 (2) (b), unless the individual provides to the department a payment agreement that
6 has been approved by the county child support agency under s. 59.53 (5) and that is
7 consistent with rules promulgated under s. 49.858 (2) (a).

8 *-0198/3.4* SECTION 2598. 281.68 (1) (intro.) of the statutes is amended to
9 read:

10 281.68 (1) DEFINITIONS. (intro.) In this section, “qualified;

11 (b) “Qualified lake association” means a group incorporated under ch. 181 that
12 meets all of the following conditions:

13 *-0198/3.5* SECTION 2599. 281.68 (1) (a) to (h) of the statutes are renumbered
14 281.68 (1) (b) 1. to 8.

15 *-0198/3.6* SECTION 2600. 281.68 (1) (ag) of the statutes is created to read:

16 281.68 (1) (ag) “Lake” includes a flowage.

17 *-0198/3.7* SECTION 2601. 281.68 (1m) of the statutes is amended to read:

18 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
19 administer a financial assistance program to provide lake management planning
20 grants for projects to provide information and education on the use of lakes and
21 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
22 in order to and the quality of natural lake ecosystems.

23 (1r) USES OF GRANTS. Lake management planning grants shall be used to
24 improve water quality assessment and planning and to aid in the selection of
25 activities to abate do any of the following:

1 (a) Prevent pollution of from entering into lakes or into natural lake
2 ecosystems.

3 ***-0198/3.8* SECTION 2602.** 281.68 (1r) (b) of the statutes is created to read:

4 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
5 of natural lake ecosystems.

6 ***-0198/3.9* SECTION 2603.** 281.68 (2) (title) of the statutes is created to read:

7 281.68 (2) (title) AMOUNT OF GRANTS.

8 ***-0198/3.10* SECTION 2604.** 281.68 (3) (title) of the statutes is created to read:

9 281.68 (3) (title) RULES FOR GRANTS.

10 ***-0198/3.11* SECTION 2605.** 281.68 (3) (b) of the statutes is renumbered 281.68

11 (3) (b) (intro.) and amended to read:

12 281.68 (3) (b) (intro.) Eligible activities, which shall include data all of the
13 following for lakes and natural lake ecosystems:

14 1. Data collection, ~~water quality assessment and nonpoint.~~

15 4. Nonpoint source pollution evaluation.

16 ***-0198/3.12* SECTION 2606.** 281.68 (3) (b) 2. of the statutes is created to read:

17 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
18 their habitat.

19 ***-0198/3.13* SECTION 2607.** 281.68 (3) (b) 3. of the statutes is created to read:

20 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
21 surrounding the lake.

22 ***-0198/3.14* SECTION 2608.** 281.68 (3) (b) 5. of the statutes is created to read:

23 281.68 (3) (b) 5. Informational or educational programs and materials.

24 ***-0198/3.15* SECTION 2609.** 281.68 (4) (title) of the statutes is created to read:

25 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

1 ***-0198/3.16* SECTION 2610.** 281.69 (title) of the statutes is amended to read:

2 **281.69 (title) Lake management and classification grants and**
3 **contracts.**

4 ***-0198/3.17* SECTION 2611.** 281.69 (1) (intro.) of the statutes is renumbered
5 281.69 (1m) (intro.) and amended to read:

6 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and
7 administer a financial assistance program to provide grants for the following 3 2
8 types of projects:

9 ***-0198/3.18* SECTION 2612.** 281.69 (1) (a) of the statutes is renumbered 281.69
10 (1m) (a) and amended to read:

11 281.69 (1m) (a) Lake management projects that will improve or protect the
12 quality of water in lakes or the quality of natural lake ecosystems of lakes.

13 ***-0198/3.19* SECTION 2613.** 281.69 (1) (b) of the statutes is renumbered 281.69
14 (1m) (b).

15 ***-0198/3.20* SECTION 2614.** 281.69 (1) (c) of the statutes is renumbered 281.69
16 (1r) and amended to read:

17 281.69 (1r) CONTRACTS. ~~Lake~~ The department may award contracts for lake
18 classification technical assistance projects to be conducted by nonprofit corporations
19 that will provide educational and technical assistance.

20 ***-0198/3.21* SECTION 2615.** 281.69 (1b) of the statutes is created to read:

21 281.69 (1b) DEFINITION. In this section, "lake" includes a mill pond or a flowage.

22 ***-0198/3.22* SECTION 2616.** 281.69 (2) (title) of the statutes is amended to
23 read:

24 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

25 ***-0198/3.23* SECTION 2617.** 281.69 (2) (c) of the statutes is amended to read:

1 281.69 (2) (c) A ~~grant~~ contract for a lake classification technical assistance
2 project may not exceed \$200,000.

3 ***-0198/3.24* SECTION 2618.** 281.69 (3) (a) of the statutes is amended to read:

4 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
5 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
6 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary
7 districts, public inland lake protection and rehabilitation districts and other local
8 governmental units, as defined in s. 66.299 (1) (a), that are established for the
9 purpose of lake management.

10 ***-0198/3.25* SECTION 2619.** 281.69 (3) (b) 1. of the statutes is amended to read:

11 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
12 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub. (4) s.~~
13 281.71 and if the purchase will substantially contribute to the protection or
14 improvement of a lake's water quality or its natural ecosystem.

15 ***-0198/3.26* SECTION 2620.** 281.69 (4) of the statutes is renumbered 281.71,
16 and 281.71 (title), (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered,
17 are amended to read:

18 **281.71 (title) Lake management project grants; river protection grants;**
19 **purchases.** (1) (intro.) In order to receive a grant for a purchase under ~~sub. s. 281.69~~
20 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
21 department that contains all of the following provisions:

22 (d) A clause that any subsequent sale or transfer of the property to be acquired
23 is subject to ~~pars. (b) and (c) subs. (2) and (3).~~

1 (2) (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
2 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
3 to a 3rd party other than a creditor of the recipient if all of the following apply:

4 (b) The party to whom the property is sold or transferred enters into a new
5 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

6 (3) The recipient of the grant used for a purchase under ~~sub. s. 281.69~~ (3) (b)
7 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
8 satisfy a debt or other obligation if the department approves the sale or transfer.

9 (5) The instrument conveying the property to the recipient shall state the
10 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
11 sub. (1) and the instrument of conveyance shall be recorded in the office of the
12 register of deeds of each county in which the property is located.

13 *-0198/3.27* SECTION 2621. 281.69 (6) (a) of the statutes is repealed.

14 *-0198/3.28* SECTION 2622. 281.69 (6) (b) of the statutes is renumbered 281.69
15 (6) and amended to read:

16 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE GRANTS CONTRACTS. A
17 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
18 contract shall provide educational and technical assistance to local units of
19 government and lake management organizations that will participate in a lake
20 classification project.

21 *-0198/3.29* SECTION 2623. 281.70 of the statutes is created to read:

22 281.70 River protection grants. (1) DEFINITION. In this section, "river"
23 includes a stream or a flowage.

1 (2) TYPES OF PROJECTS. The department shall develop and administer a
2 financial assistance program to provide grants for planning projects and
3 management projects.

4 (3) AMOUNTS OF GRANTS. (a) A grant for a planning project may be made for up
5 to 75% of the cost of the project but may not exceed \$10,000 per grant.

6 (b) A grant for a management project may be made for up to 75% of the cost of
7 the project but may not exceed \$50,000 per grant.

8 (4) ELIGIBLE RECIPIENTS. (a) All of the following shall be eligible for grants
9 under this section:

- 10 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 11 2. River management organizations that meet the qualifications under par. (b).
- 12 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

13 (b) The department shall promulgate rules to establish the qualifications that
14 a river management organization must meet to qualify for a grant under this section.

15 (5) ELIGIBLE ACTIVITIES. The department shall promulgate rules to do all of the
16 following:

17 (a) Designate activities that are eligible for grants for planning projects.
18 Eligible activities under the rules for these grants shall include all of the following:

- 19 1. Data collection.
- 20 2. Assessments of water quality and of fish and aquatic life and their habitat.
- 21 3. Assessments of the uses of a river and the uses of the land surrounding the
22 river.
- 23 4. Nonpoint source pollution evaluation.
- 24 5. Informational or educational programs and materials as specified in par. (b).

1 6. Programs and materials to assist persons in forming river management
2 organizations or other groups to protect or improve rivers and natural riverine
3 ecosystems.

4 (b) For purposes of par. (a) 5., specify informational or educational materials
5 that may be provided on any of the following:

- 6 1. Protecting or improving the ways in which rivers are used.
- 7 2. Protecting or improving the quality of water in rivers.
- 8 3. Protecting or improving the quality of natural riverine ecosystems.
- 9 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

10 (c) Designate activities that are eligible for grants for management projects.
11 Eligible activities under the rules for these grants shall include all of the following:

12 1. The purchase of land or of a conservation easement, as defined in s. 700.40
13 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
14 substantially contribute to the protection or improvement of the river's water quality
15 or its natural ecosystem.

16 2. The restoration of in-stream or shoreline habitat.

17 3. The development of local regulations or ordinances that will protect or
18 improve the river's water quality or its natural ecosystem.

19 4. An activity that is approved by the department and that is needed to
20 implement a recommendation made as a result of a plan to protect or improve the
21 river's water quality or its natural ecosystem.

22 5. Installation of pollution control practices.

23 (6) **ELIGIBILITY; TYPES OF RIVERS.** The department shall promulgate rules
24 establishing the types of natural riverine ecosystems that are eligible for grants
25 under this section.

1 (7) ELIGIBILITY; OTHER. At the completion of a planning project, upon request
2 of the recipient of the grant for the planning project, the department may approve
3 as eligible activities for a management project grant the recommendations that were
4 made as a result of the project.

5 ***-0239/1.3*** SECTION 2624. 281.75 (6) (a) of the statutes is amended to read:

6 281.75 (6) (a) Contamination of a private water supply, as defined under sub.
7 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,
8 taken at least 2 weeks apart, in a manner which assures the validity of the test
9 results. The samples shall be tested by a laboratory accredited or certified under s.
10 299.11.

11 ***-0935/1.53*** SECTION 2625. 283.31 (1) of the statutes is amended to read:

12 283.31 (1) The discharge of any pollutant into any waters of the state or the
13 disposal of sludge from a treatment work by any person is unlawful unless such
14 discharge or disposal is done under a permit issued by the department under this
15 section or s. 283.33. The department may by rule exempt certain classes or categories
16 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.
17 Except as provided in s. 283.33, the department may require only one permit for a
18 publicly owned treatment or collection facility or system, regardless of the number
19 of point sources from such facility or system.

20 ***-1164/4.50*** SECTION 2626. 285.01 (40) of the statutes is amended to read:

21 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste
22 treatment plant, water supply treatment plant or air pollution control facility and
23 other discarded or salvageable materials, including solid, liquid, semisolid, or
24 contained gaseous materials resulting from industrial, commercial, mining and
25 agricultural operations, and from community activities, but does not include solids

1 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
2 return flows or industrial discharges which are point sources subject to permits
3 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
4 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
5 ~~(3)~~ (1).

6 ***-0235/1.1* SECTION 2627.** 285.60 (3g) of the statutes is created to read:

7 285.60 (3g) GENERAL CONSTRUCTION PERMITS. The department may promulgate
8 rules specifying types of stationary sources that may obtain general construction
9 permits. A general construction permit may cover numerous similar stationary
10 sources. A general construction permit shall require any stationary source that is
11 covered by the general construction permit to comply with ss. 285.61 to 285.69. The
12 department shall issue a general construction permit using the procedures and
13 criteria in ss. 285.61, 285.63, 285.65, 285.66 and 285.69.

14 ***-0237/2.5* SECTION 2628.** 285.69 (2) (c) (intro.) of the statutes is amended to
15 read:

16 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
17 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
18 for the following:

19 ***-0237/2.6* SECTION 2629.** 285.69 (2) (e) of the statutes is created to read:

20 285.69 (2) (e) The owner or operator of a stationary source for which an
21 operation permit is required shall pay to the department an annual facility fee based
22 on the total amount of actual emissions in the preceding year of all air contaminants
23 on which the fee under par. (a) is based, if the total amount of those emissions is 5
24 tons or more. The amount of the fee is as follows:

1 1. If the total amount of emissions is at least 5 tons but does not exceed 25 tons,
2 \$50.

3 2. If the total amount of emissions exceeds 25 tons but does not exceed 100 tons,
4 \$650.

5 3. If the total amount of emissions exceeds 100 tons but does not exceed 250
6 tons, \$2,000.

7 4. If the total amount of emissions exceeds 250 tons but does not exceed 4,000
8 tons, \$7,000.

9 5. If the total amount of the emissions exceeds 4,000 tons, \$20,000.

10 ***-0236/2.4*** SECTION 2630. 285.69 (3) of the statutes is amended to read:

11 285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules
12 for the payment and collection of fees for inspecting nonresidential asbestos
13 demolition and renovation projects regulated by the department. The fees under this
14 subsection may not exceed \$200 \$210 per project. The fees collected under this
15 subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct
16 and indirect costs of conducting inspections of nonresidential asbestos demolition
17 and inspection projects regulated by the department.

18 ***-0236/2.5*** SECTION 2631. 285.86 of the statutes is created to read:

19 **285.86 Asbestos citations.** (1) The department may follow the procedures
20 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a
21 person who commits a violation specified under sub. (2).

22 (2) The department shall promulgate rules that specify violations of rules
23 relating to asbestos abatement and management that are promulgated under ss.
24 285.11, 285.13, 285.17 and 285.27 to which sub. (1) applies. In a rule promulgated
25 under this subsection, the department may limit the applicability of sub. (1) based

1 on the frequency of violation and on health and environmental risks caused by the
2 violation.

3 (3) The department shall submit any proposed rules under sub. (2) to the
4 department of justice. The department may not promulgate a rule under sub. (2)
5 unless the rule is approved by the department of justice.

6 ***-1425/P1.1* SECTION 2632.** 287.11 (2) (dm) of the statutes is repealed.

7 ***-1437/1.3* SECTION 2633.** 287.23 (5) (c) 2. of the statutes is amended to read:

8 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
9 responsible units, the amount of the grant for 1993 through ~~2000~~ 2001 equals either
10 66% of the difference between eligible expenses and avoided disposal costs or \$8
11 times the population of the responsible unit, whichever is less.

12 ***-1438/P1.1* SECTION 2634.** 287.23 (5) (c) 2. of the statutes is amended to read:

13 287.23 (5) (c) 2. Except as provided in subd. 5. 2m. or sub. (5e), for all other
14 responsible units, the amount of the grant for 1993 through 2000 equals either 66%
15 of the difference between eligible expenses and avoided disposal costs or 33% of
16 eligible expenses, whichever is greater.

17 2m. If the amount determined under subd. 2. is greater than \$8 times the
18 population of the responsible unit, ~~whichever is less~~ the grant equals \$8 times the
19 population of the responsible unit.

20 ***-1438/P1.2* SECTION 2635.** 287.23 (5) (c) 5. of the statutes is repealed.

21 ***-1438/P1.3* SECTION 2636.** 287.23 (5e) of the statutes is amended to read:

22 287.23 (5e) PRORATION. If available funds are insufficient, under sub. (5) (c) ~~2.~~
23 2m., to pay \$8 times the population of all of the responsible units that are entitled
24 to that amount, the department shall distribute the funds so that each responsible
25 unit that would be entitled to \$6 times its population if the per person amount in sub.

1 (5)(c) ~~2. 2m.~~ were \$6 receives \$6 times its population and shall prorate the remaining
2 funds.

3 *~~1437/1.4~~* SECTION 2637. 287.23 (7) of the statutes is amended to read:

4 287.23 (7) SUNSET. No grant may be awarded under this section for any year
5 after the year 2000 2001.

6 *~~1427/3.4~~* SECTION 2638. 287.46 (4) of the statutes, as affected by 1997
7 Wisconsin Acts 27 and 1999 Wisconsin Act (this act), is repealed.

8 *~~1427/3.5~~* SECTION 2639. 287.46 (4) (a) of the statutes is amended to read:

9 287.46 (4) (a) ~~From the appropriations~~ Subject to par. (6), from the
10 appropriation under s. 20.143 (1) (L) ~~and (tm)~~, the department of commerce shall
11 provide financial assistance awarded by the board under this subchapter. ~~Subject~~
12 ~~to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of~~
13 ~~commerce shall~~ and pay contracts entered into by the board under s. 287.42 (3) and
14 (3m).

15 *~~1427/3.6~~* SECTION 2640. 287.46 (4) (b) of the statutes is amended to read:

16 287.46 (4) (b) In any biennium, the department of commerce may not expend
17 more than 10% of the amount ~~appropriated~~ credited to the appropriation account
18 under s. 20.143 (1) ~~(tm)~~ for (L) in that biennium for contracts with and financial
19 assistance to responsible units and other local units of government.

20 *~~1164/4.51~~* SECTION 2641. 289.01 (33) of the statutes is amended to read:

21 289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste
22 treatment plant, water supply treatment plant or air pollution control facility and
23 other discarded or salvageable materials, including solid, liquid, semisolid, or
24 contained gaseous materials resulting from industrial, commercial, mining and
25 agricultural operations, and from community activities, but does not include solids

1 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
2 return flows or industrial discharges which are point sources subject to permits
3 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
4 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
5 ~~(3)~~ (1).

6 ***-1265/5.46* SECTION 2642.** 289.33 (3) (d) of the statutes is amended to read:

7 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
8 authorization, approval, variance or exception or any restriction, condition of
9 approval or other restriction, regulation, requirement or prohibition imposed by a
10 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
11 a town, city, village, county or special purpose district, including without limitation
12 because of enumeration any ordinance, resolution or regulation adopted under s.
13 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
14 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
15 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
16 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), ~~(12)~~, (16),
17 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
18 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
19 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
20 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and
21 (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354,
22 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 196.58, 236.45,
23 281.43 or 349.16 or subch. VIII of ch. 60.

****NOTE: This draft strikes a reference to s. 59.54 (12), stats., because of the repeal
of s. 59.54 (12), stats., by this draft. If s. 59.54 (12), stats., is not repealed this SECTION
should be deleted.

1 ***-1418/1.1* SECTION 2643.** 289.33 (7) (a) 1. of the statutes is amended to read:

2 289.33 (7) (a) 1. A town, city or village in which all or part of a facility is
3 proposed to be located ~~shall~~ may appoint 4 members or the number of members
4 appointed under subds. 1m. and 2. and sub. (7n) plus 2, whichever is greater, no more
5 than 2 of whom are elected officials or municipal employees.

6 ***-0959/1.1* SECTION 2644.** 292.11 (7) (d) 1m. of the statutes is created to read:

7 292.11 (7) (d) 1m. The department may negotiate and enter into an agreement
8 containing a schedule for conducting nonemergency actions required under sub. (3)
9 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf
10 of owners of contaminated property within one of the following:

11 a. A business improvement district, as defined in s. 66.608 (1) (b).

12 b. An area designated by the local governmental unit if the area consists of 2
13 or more properties affected by a contiguous region of groundwater contamination or
14 contains 2 or more properties that are brownfields, as defined in s. 234.88 (1) (a).

15 ***-0959/1.2* SECTION 2645.** 292.11 (7) (d) 2. of the statutes is amended to read:

16 292.11 (7) (d) 2. The department may charge fees, in accordance with rules that
17 it promulgates, to offset the costs of negotiating and entering into an agreement
18 under subd. 1. or 1m.

19 ***-0257/3.1* SECTION 2646.** 292.11 (9) (e) 1. of the statutes is amended to read:

20 292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a
21 municipality, a redevelopment authority created under s. 66.431, a public body
22 designated by a municipality under s. 66.435 (4) or a housing authority.

23 ***-1419/1.1* SECTION 2647.** 292.11 (9) (e) 1. of the statutes is amended to read:

24 292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a
25 municipality, a redevelopment authority created under s. 66.431, a public body

1 designated by a municipality under s. 66.435 (4), a community development
2 authority or a housing authority.

3 ***-1422/P2.1* SECTION 2648.** 292.11 (9) (e) 1. of the statutes is amended to read:

4 292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a
5 municipality, a redevelopment authority created under s. 66.431, a public body
6 designated by a municipality under s. 66.435 (4) or a housing authority.

7 ***-0257/3.2* SECTION 2649.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended
8 to read:

9 292.11 (9) (e) 1m. (intro.) ~~A- Except as provided in subds. 2., 4. and 6., a local~~
10 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to
11 property acquired by the local government unit before, on or after the effective date
12 of this subdivision [revisor inserts date], if any of the following applies:

13 ***-1422/P2.2* SECTION 2650.** 292.11 (9) (e) 1m. (intro.) of the statutes is
14 amended to read:

15 292.11 (9) (e) 1m. (intro.) A local governmental unit is exempt from subs. (3),
16 (4) and (7) (b) and (c) with respect to discharges of hazardous substances on or
17 originating from property acquired by the local government unit if any of the
18 following applies:

19 ***-0257/3.3* SECTION 2651.** 292.11 (9) (e) 1m. b. of the statutes is amended to
20 read:

21 292.11 (9) (e) 1m. b. The local governmental unit acquired the property from
22 a local governmental unit that ~~acquired~~ is exempt under this subdivision with
23 respect to the property under a method described in subd. 1m. a.

24 ***-0257/3.4* SECTION 2652.** 292.11 (9) (e) 1m. e. of the statutes is created to
25 read:

1 292.11 (9) (e) 1m. e. The local governmental unit acquired the property through
2 escheat.

3 ***-1419/1.2* SECTION 2653.** 292.11 (9) (e) 1m. f. of the statutes is created to read:

4 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
5 funds appropriated under s. 20.866 (2) (tz).

6 ***-0257/3.5* SECTION 2654.** 292.11 (9) (e) 1s. of the statutes is amended to read:

7 292.11 (9) (e) 1s. ~~An~~ Except as provided in subds. 2. and 4. to 6., an economic
8 development corporation described in section 501 (c) of the Internal Revenue Code,
9 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)
10 of the Internal Revenue Code, or an entity wholly owned and operated by such a
11 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property
12 acquired before, on or after October 14, 1997, if the property is acquired to further
13 the economic development purposes that qualify the corporation as exempt from
14 federal taxation.

15 ***-0257/3.6* SECTION 2655.** 292.11 (9) (e) 3. of the statutes is repealed.

16 ***-1419/1.3* SECTION 2656.** 292.11 (9) (e) 3. of the statutes is repealed.

17 ***-0257/3.7* SECTION 2657.** 292.11 (9) (e) 5. c. of the statutes is repealed.

18 ***-0257/3.8* SECTION 2658.** 292.11 (9) (e) 6. of the statutes is created to read:

19 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
20 unit or the economic development corporation agrees to allow the department, any
21 authorized representatives of the department, any party that possessed or controlled
22 the hazardous substance or caused the discharge of the hazardous substance and any
23 consultant or contractor of such a party to enter the property to take action to respond
24 to the discharge.

25 ***-1419/1.4* SECTION 2659.** 292.11 (9) (e) 6. of the statutes is created to read:

1 292.11 (9) (e) 6. Subdivision 1m. does not apply to property described in subd.
2 1m. f. unless the local governmental unit enters into an agreement with the
3 department to ensure that the conditions in subds. 2. and 4. are satisfied.

4 ***-1423/2.1* SECTION 2660.** 292.15 (1) (a) of the statutes is created to read:

5 292.15 (1) (a) “Enforcement standard” has the meaning given in s. 160.01 (2).

6 ***-1423/2.2* SECTION 2661.** 292.15 (1) (am) of the statutes is created to read:

7 292.15 (1) (am) “Natural attenuation” means the reduction in the mass and
8 concentration in groundwater of a substance, and the products into which the
9 substance breaks down, due to naturally occurring physical, chemical and biological
10 processes, without human intervention.

11 ***-0929/3.1* SECTION 2662.** 292.15 (1) (f) of the statutes is repealed and
12 recreated to read:

13 292.15 (1) (f) “Voluntary party” means a person who submits an application to
14 obtain an exemption under this section and pays any fees required under sub. (5).

15 ***-0614/2.1* SECTION 2663.** 292.15 (2) (a) (title) of the statutes is created to
16 read:

17 292.15 (2) (a) (title) *General.*

18 ***-1423/2.3* SECTION 2664.** 292.15 (2) (a) (title) of the statutes is created to
19 read:

20 292.15 (2) (a) (title) *General.*

21 ***-0285/P1.1* SECTION 2665.** 292.15 (2) (a) (intro.) of the statutes is amended
22 to read:

23 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
24 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules

1 promulgated under those provisions, with respect to the existence of a hazardous
2 substance on the property, the release of which occurred prior to the date on which
3 the department approves the environmental investigation of the property under
4 subd. 1., if all of the following occur at any time before or after the date of acquisition:

5 *–1422/P2.3* SECTION 2666. 292.15 (2) (a) (intro.) of the statutes is amended
6 to read:

7 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
8 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
9 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
10 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
11 hazardous ~~substance~~ substances on the or originating from a property, if all of the
12 following occur at any time before or after the date of acquisition:

13 *–1422/P2.4* SECTION 2667. 292.15 (2) (a) 2. of the statutes is amended to read:

14 292.15 (2) (a) 2. Except as provided in sub. (4), ~~the property is cleaned up by~~
15 ~~restoring the environment is restored~~ to the extent practicable with respect to the
16 discharges and ~~minimizing the harmful effects from a discharge of the hazardous~~
17 ~~substance~~ the discharges are minimized in accordance with rules promulgated by the
18 department and any contract entered into under those rules.

19 *–1422/P2.5* SECTION 2668. 292.15 (2) (a) 3. of the statutes is amended to read:

20 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
21 the department that the ~~property~~ environment has been satisfactorily restored to the
22 extent practicable with respect to the discharges and that the harmful effects from
23 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

24 *–0614/2.2* SECTION 2669. 292.15 (2) (a) 6. of the statutes is amended to read:

1 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
2 ~~subd. 3.~~ certificate of completion by fraud or misrepresentation, by the knowing
3 failure to disclose material information or under circumstances in which the
4 voluntary party knew or should have known about more discharges of hazardous
5 substances than were revealed by the investigation conducted under subd. 1.

6 ***-0929/3.2* SECTION 2670.** 292.15 (2) (a) 7. of the statutes is created to read:

7 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and
8 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is
9 discovered, after the department issues a certificate of completion under subd. 3.,
10 that the cleanup under subd. 2. fails to fully restore the environment or to minimize
11 the effects from a discharge or that the hazardous substance that is the subject of the
12 cleanup is more extensive than known before the department issues the certificate
13 of completion, and the insurance complies with rules promulgated by the department
14 and names the voluntary party and this state as insureds.

15 ***-1422/P2.6* SECTION 2671.** 292.15 (2) (a) 7. of the statutes is created to read:

16 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and
17 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is
18 discovered, after the department issues a certificate of completion under subd. 3.,
19 that the cleanup under subd. 2. fails to fully restore the environment or to minimize
20 the effects from a discharge or that the hazardous substance that is the subject of the
21 cleanup is more extensive than known before the department issues the certificate
22 of completion, and the insurance complies with rules promulgated by the department
23 and names the voluntary party and this state as insureds.

24 ***-1423/2.4* SECTION 2672.** 292.15 (2) (ae) of the statutes is created to read:

1 292.15 (2) (ae) *Natural attenuation*. Except as provided in sub. (6) or (7), if
2 there exists a hazardous substance in groundwater on a property in a concentration
3 that exceeds an enforcement standard and the department determines that natural
4 attenuation will restore groundwater quality in accordance with rules promulgated
5 by the department, a voluntary party is exempt from ss. 289.05 (1), (2), (3) and (4),
6 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c)
7 and 292.31 (8), and rules promulgated under those provisions, with respect to the
8 existence of hazardous substances on the property, if all of the following occur at any
9 time before or after the date of acquisition:

10 1. An environmental investigation of the property is conducted that is approved
11 by the department.

12 2. The property is cleaned up by restoring the environment to the extent
13 practicable and minimizing the harmful effects from discharges of hazardous
14 substances on the property in accordance with rules promulgated by the department
15 and any contract entered into under those rules, except that this requirement does
16 not apply with respect to the hazardous substance in groundwater that the
17 department has determined will be brought into compliance with rules promulgated
18 by the department through natural attenuation.

19 3. The voluntary party obtains a certificate of completion from the department
20 stating that the property has been satisfactorily restored to the extent practicable
21 and that the harmful effects from discharges of hazardous substances have been
22 minimized, except with respect to the hazardous substance in groundwater that the
23 department has determined will be brought into compliance with rules promulgated
24 by the department through natural attenuation.

1 3m. If required by the department, the voluntary party obtains and maintains
2 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
3 hazardous substance that the department has determined will be brought into
4 compliance with rules promulgated by the department through natural attenuation,
5 in case natural attenuation fails, and the insurance complies with rules promulgated
6 by the department and names the voluntary party and this state as insureds.

7 4. The voluntary party maintains and monitors the property as required under
8 rules promulgated by the department and any contract entered into under those
9 rules.

10 5. The voluntary party does not engage in activities that are inconsistent with
11 the maintenance of the property.

12 6. The voluntary party has not obtained the certification under subd. 3. by
13 fraud or misrepresentation, by the knowing failure to disclose material information
14 or under circumstances in which the voluntary party knew or should have known
15 about more discharges of hazardous substances than were revealed by the
16 investigation conducted under subd. 1.

17 *-0614/2.3* **SECTION 2673.** 292.15 (2) (ag) of the statutes is created to read:

18 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
19 sub. (6) or (7), for a property on which there exists a hazardous substance for which
20 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
21 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
22 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
23 promulgated under those provisions, with respect to the existence of hazardous
24 substances on the property, if par. (a) 1. and 4. to 6. apply and all of the following occur
25 at any time before or after the date of acquisition:

1 1. The property is cleaned up by restoring the environment to the extent
2 practicable and minimizing the harmful effects from discharges of hazardous
3 substances on the property in accordance with rules promulgated by the department
4 and any contract entered into under those rules, except that this requirement does
5 not apply with respect to the hazardous substance for which the voluntary party is
6 exempt from liability under s. 292.13 (1).

7 2. The voluntary party obtains a certificate of completion from the department
8 stating that the property has been satisfactorily restored to the extent practicable
9 and that the harmful effects from discharges of hazardous substances have been
10 minimized, except with respect to the hazardous substance for which the voluntary
11 party is exempt from liability under s. 292.13 (1).

12 3. The voluntary party obtains a written determination from the department
13 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
14 party is exempt from liability under s. 292.13 (1).

15 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
16 (d) to (g).

17 ***-1423/2.5*** SECTION 2674. 292.15 (2) (am) (title) of the statutes is created to
18 read:

19 292.15 (2) (am) (title) *Partial cleanup.*

20 ***-0614/2.4*** SECTION 2675. 292.15 (2) (am) (intro.) of the statutes is amended
21 to read:

22 292.15 (2) (am) *Partial cleanup.* (intro.) The department may approve a
23 partial cleanup and issue a certificate of completion as provided in par. (a) or (ag) that
24 states that not all of the property has been satisfactorily restored or that not all of
25 the harmful effects from a discharge of a hazardous substance have been minimized.

1 Approval of a partial cleanup exempts a voluntary party from ss. 291.37 (2) and
2 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property or
3 hazardous substances cleaned up under this paragraph. In addition to meeting the
4 requirements of par. (a) or (ag), a certificate for a partial cleanup under this
5 paragraph may be issued only if:

6 ***-0614/2.5* SECTION 2676.** 292.15 (2) (ar) (title) of the statutes is created to
7 read:

8 292.15 (2) (ar) (title) *Condition.*

9 ***-1423/2.6* SECTION 2677.** 292.15 (2) (ar) (title) of the statutes is created to
10 read:

11 292.15 (2) (ar) (title) *Condition.*

12 ***-0937/P3.1* SECTION 2678.** 292.15 (2) (at) of the statutes is created to read:

13 292.15 (2) (at) *Discharges discovered after environmental investigations.*

14 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),
15 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
16 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
17 respect to a discharge of a hazardous substance on or originating from a property if
18 the discharge occurred before the environmental investigation under subd. 1. is
19 completed and is discovered after the environmental investigation under subd. 5. is
20 approved and if all of the following apply:

21 1. An initial environmental investigation of the property is conducted and is
22 approved by the department.

23 2. If required by the department, the voluntary party enters into an agreement
24 with the department under which the voluntary party agrees to conduct a cleanup
25 approved by the department.

1 3. The voluntary party obtains and maintains insurance to cover the costs of
2 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
3 occurred before the investigation under subd. 1. is completed and that are discovered
4 in the course of conducting a cleanup of the property, the insurance complies with
5 rules promulgated by the department and the insurance names the voluntary party
6 and this state as insureds.

7 4. A hazardous substance discharge that occurred before the investigation
8 under subd. 1. is completed is discovered after the investigation under subd. 1. is
9 approved and before the cleanup is completed.

10 5. A 2nd environmental investigation of the property is conducted and is
11 approved by the department.

12 6. The voluntary party has not obtained approval of the investigation under
13 subd. 1. or 5. or the agreement under subd. 2. by fraud or misrepresentation, by the
14 knowing failure to disclose material information or under circumstances in which
15 the voluntary party knew or should have known about more discharges of hazardous
16 substances than were revealed by the investigation conducted under subd. 1. or 5.

 ****NOTE: The existence of a title for s. 292.15 (2) (at) depends on LRB-1423 being
 included in the bill. If LRB-1423 is not included, the title must be removed.

17 *-0614/2.6* SECTION 2679. 292.15 (2) (b) of the statutes is amended to read:

18 292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ag)
19 and (am) continue to apply after the date of certification by the department under
20 par. (a) 3. or (ag) 2., or approval by the department under par. (am), notwithstanding
21 the occurrence of any of the following:

1 1. Statutes, rules or regulations are created or amended that would impose
2 greater responsibilities on the voluntary party than those imposed under par. (a) 2.
3 or (ag) 1.

4 2. The voluntary party fully complies with the rules promulgated by the
5 department and any contract entered into under those rules under par. (a) 2. or (ag)
6 1 but it is discovered that the cleanup fails to fully restore the environment and
7 minimize the effects from a discharge of a hazardous substance.

8 3. The contamination from a hazardous substance that is the subject of the
9 cleanup under par. (a) 2. or (ag) 1, is discovered to be more extensive than anticipated
10 by the voluntary party and the department.

11 *~~1423/2.7~~* SECTION 2680. 292.15 (2) (b) of the statutes is amended to read:

12 292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ae)
13 and (am) continue to apply after the date of certification by the department under
14 par. (a) 3. or (ae) 3., or approval by the department under par. (am), notwithstanding
15 the occurrence of any of the following:

16 1. Statutes, rules or regulations are created or amended that would impose
17 greater responsibilities on the voluntary party than those imposed under par. (a) 2.
18 or (ae) 2.

19 2. The voluntary party fully complies with the rules promulgated by the
20 department and any contract entered into under those rules under par. (a) 2. or (ae)
21 2 but it is discovered that the cleanup fails to fully restore the environment and
22 minimize the effects from a discharge of a hazardous substance.

23 3. The contamination from a hazardous substance that is the subject of the
24 cleanup under par. (a) 2. or (ae) 2, is discovered to be more extensive than anticipated
25 by the voluntary party and the department.

1 ***-0614/2.7* SECTION 2681.** 292.15 (2) (c) (title) of the statutes is created to
2 read:

3 292.15 (2) (c) (title) *Prohibition on action.*

4 ***-1423/2.8* SECTION 2682.** 292.15 (2) (c) (title) of the statutes is created to
5 read:

6 292.15 (2) (c) (title) *Prohibition on action.*

7 ***-0937/P3.2* SECTION 2683.** 292.15 (2) (c) of the statutes is amended to read:
8 292.15 (2) (c) The department of justice may not commence an action under 42
9 USC 9607 against any voluntary party meeting the criteria of this subsection to
10 recover costs for which the voluntary party is exempt under pars. (a), (am), (at) and
11 (b).

12 ***-0614/2.8* SECTION 2684.** 292.15 (2) (d) (title) of the statutes is created to
13 read:

14 292.15 (2) (d) (title) *Exception.*

15 ***-1423/2.9* SECTION 2685.** 292.15 (2) (d) (title) of the statutes is created to
16 read:

17 292.15 (2) (d) (title) *Exception.*

18 ***-0929/3.3* SECTION 2686.** 292.15 (2) (e) of the statutes is created to read:

19 292.15 (2) (e) If the department requires insurance under par. (a) 7., the
20 department may contract with an insurer to provide insurance required under par.
21 (a) 7. and may require voluntary parties to obtain coverage under the contract.

22 ***-1422/P2.7* SECTION 2687.** 292.15 (2) (e) of the statutes is created to read:

23 292.15 (2) (e) If the department requires insurance under par. (a) 7., the
24 department may contract with an insurer to provide insurance required under par.
25 (a) 7. and may require voluntary parties to obtain coverage under the contract.

1 ***-1423/2.10* SECTION 2688.** 292.15 (2) (e) of the statutes is created to read:

2 292.15 (2) (e) *Department authority.* If the department requires insurance
3 under par. (ae) 3m., the department may contract with an insurer to provide
4 insurance required under par. (ae) 3m. and may require voluntary parties to obtain
5 coverage under the contract.

6 ***-0614/2.9* SECTION 2689.** 292.15 (3) of the statutes is amended to read:

7 292.15 (3) SUCCESSORS AND ASSIGNS. The An exemption provided in sub. (2)
8 applies to any successor or assignee of the voluntary party who qualifies as a
9 voluntary party and who complies with the provisions of sub. (2) (a) 4. and 5. and (ag)
10 4., if applicable, unless the successor or assignee knows that a certificate under sub.
11 (2) (a) 3., (ag) 2. or (am) was obtained by any of the means or under any of the
12 circumstances specified in sub. (2) (a) 6.

13 ***-0929/3.4* SECTION 2690.** 292.15 (3) of the statutes is amended to read:

14 292.15 (3) SUCCESSORS AND ASSIGNS. The exemption provided in sub. (2) applies
15 to any successor or assignee of the voluntary party ~~who qualifies as a voluntary party~~
16 ~~and who~~ if the successor or assignee complies with the provisions of sub. (2) (a) 4. and
17 5. ~~unless and, if applicable, sub. (2) (am) as though the successor or assignee were~~
18 the voluntary party except that the exemption in sub. (2) does not apply if the
19 successor or assignee knows that a certificate under sub. (2) (a) 3. or (am) was
20 obtained by any of the means or under any of the circumstances specified in sub. (2)
21 (a) 6.

22 ***-1423/2.11* SECTION 2691.** 292.15 (3) of the statutes is amended to read:

23 292.15 (3) SUCCESSORS AND ASSIGNS. The An exemption provided in sub. (2)
24 applies to any successor or assignee of the voluntary party who qualifies as a
25 voluntary party and who complies with the provisions of sub. (2) (a) 4. and 5. or (ae)

1 3m., 4. and 5., whichever is applicable, unless the successor or assignee knows that
2 a certificate under sub. (2) (a) 3., (ae) 3. or (am) was obtained by any of the means or
3 under any of the circumstances specified in sub. (2) (a) 6. or (ae) 6.

4 ***-0257/3.9* SECTION 2692.** 292.15 (4) (intro.) of the statutes is amended to
5 read:

6 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
7 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
8 voluntary party and the department if the voluntary party purchased the property
9 from a local governmental unit that acquired the property in a way or for a purpose
10 described in s. 292.11 (9) (e) 1m. a., b., c. or d. The agreement shall stipulate all of the
11 following:

12 ***-0929/3.5* SECTION 2693.** 292.15 (5m) of the statutes is repealed.

13 ***-0303/P1.1* SECTION 2694.** 292.15 (5m) of the statutes is amended to read:

14 292.15 (5m) PROSPECTIVE PURCHASER ASSURANCE LETTERS. The department, in
15 accordance with rules promulgated by the department, may issue to a prospective
16 purchaser of property a letter certifying that the prospective purchaser is entitled to
17 ~~the exemptions described under sub. (2). The department may condition the~~
18 ~~entitlement to the exemptions upon the prospective purchaser's taking action as~~
19 ~~provided in this section and in a manner considered satisfactory to the department~~
20 a voluntary party with respect to that property. Notwithstanding sub. (1) (f), a
21 person to whom the department issues a letter under this subsection shall be
22 considered to be a voluntary party under this section. Any letter issued under this
23 subsection is void if the letter was obtained by fraud or misrepresentation.

24 ***-0937/P3.3* SECTION 2695.** 292.15 (6) of the statutes is renumbered 292.15
25 (6) (a).